



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AMBER PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, MNSD, FFT

Introduction

On December 20, 2017, the Tenant submitted an Application for Dispute Resolution for the Landlord to return of all or part of the pet damage deposit or security deposit, for other monetary relief, and to recover the filing fee for the Application.

The Tenant appeared at the teleconference hearing; however, the Landlord did not.

The Tenant provided affirmed testimony alleging that the Landlord failed to return the security deposit within 15 days of receiving his forwarding address.

After further deliberation after the hearing, I make the following findings:

The Tenant testified that the Notice of Dispute Resolution Proceeding was slid under the building manager's door. The Tenant testified that he could not remember the date the Notice of Dispute Resolution Proceeding was left at the door and he could not remember the name of the building manager.

Section 89 of the Act provides that an application for dispute resolution when served by a Tenant to a Landlord must be served in person, or by registered mail to the address at which the person carries on business as a Landlord.

I find that the Tenant did not serve the Landlord with the Notice of Dispute Resolution Proceeding in accordance with the Act. Sliding the Notice under the door of the building manager is not proper service. The Landlord did not attend the hearing and the Tenant is seeking monetary compensation.

In the circumstances, I find that it is not reasonable to conclude that the Landlord was properly served with the Notice of Dispute Resolution Proceeding.

The Tenant's application is dismissed in its entirety with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 07, 2018

Residential Tenancy Branch