



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not participate in the conference call hearing, which lasted approximately 15 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Application

The tenant testified that the landlord's room-mate was personally served with the tenant's application for dispute resolution hearing package on March 20, 2018, at the address provided by the landlord on the tenancy agreement. Section 89 of the *Act* establishes that when a tenant serves an application for dispute resolution in relation to a monetary claim it must be served by leaving it directly with the landlord or by registered mail.

Based on the tenant's testimony that the application was personally served to the landlord's room-mate and in the absence of an application for substituted service, I find that the tenant has not served the application for dispute resolution to the landlord as required under the *Act*.

Conclusion

The landlord's entire application is dismissed 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: October 12, 2018

Residential Tenancy Branch