



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction and Preliminary Matters

On June 18, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a Monetary Order for the return of his security deposit, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Landlord and Tenant attended the hearing; however, the Tenant acknowledged that he did not serve the Landlord with the Notice of Hearing. I find that the Tenant has failed to serve the Notice of Hearing in accordance with Section 89 of the Act and Rule 3.5 of the *Residential Tenancy Branch - Rules of Procedure*. As such, I dismiss the Tenant’s Application for Dispute Resolution with leave to reapply.

I refer both parties to Section 38 of the Act that relates to the return of security deposits and Section 89 of the Act that relates to how to serve certain documents.

Conclusion

The Tenant’s Application is dismissed with leave to reapply. I have not made any findings in relation to this Application. 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: September 27, 2018

Residential Tenancy Branch