



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This matter dealt with an application by the Tenant for the return of double the security deposit and to recover the filing fee.

The Tenant said he filed the application on July 9, 2018 and received the Notice of Hearing on July 15, 2018 by email. The Tenant continued to say he misunderstood the process and he thought the Residential Tenancy Branch would serve the Landlord the Notice of Hearing and other documents. Consequently the Tenant did not serve the Landlord any documents. As the Landlord was not served the Hearing documents the Landlord was unaware of the hearing and therefore did not attend.

Based on the testimony of the Tenant, I find that the Landlord was not served with the Tenant's hearing package as required by s. 89 of the Act. Service of the Hearing package is to be within 3 days of receiving the Notice of Hearing by the applicant. In this situation the Tenant did not understand the process and did not serve the Landlord the Hearing package. Consequently the Landlord did not know the Hearing was taking place. I find the Tenant did not serve the Landlord the Hearing package as required by section 89 of the Act therefore; I dismiss the Tenant's application with leave to reapply.

Conclusion

The Tenant's 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: November 13, 2018

Residential Tenancy Branch