



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held on July 30, 2019. The Tenant applied for the return of her security deposit, pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing and provided testimony. The Landlord did not attend the hearing.

The Tenant stated that she sent the Landlord her Notice of Hearing by regular mail, to the Landlord's place of business. The Tenant stated that she went online and found the Landlord's place of business, where he operates a company (unrelated to being a Landlord). The Tenant stated that she sent the Notice of Hearing to this address, although this was not the address the Landlord gave to her for mail. The Tenant stated that she has the Landlord's home address but thought it would be better to send the package to his company instead.

As discussed in the hearing, I find the Tenant has failed to sufficiently serve the Landlord with her application and evidence.

I note that serving an application package and a notice of hearing must be done in a certain manner, as set out in section 89 of the Act. Section 89 specifies the following:

Special rules for certain documents

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be

given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].

I note the Tenant explained that she sent the Notice of Hearing to the Landlord's place of business, but she also stated that this is a business which is unrelated to his Landlord duties. Further, the Tenant did not use registered mail. As such, I find she has failed to satisfy any of the above methods of service. I encourage the Tenant to utilize registered mail, should she pursue an application in the future.

Since the Tenant has failed to sufficiently serve her application, I dismiss her 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: July 30, 2019