



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LIANG INVESTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFT MNSD

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the tenant seeking a monetary order for return of the security deposit or pet damage deposit and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the landlord company joined the call.

The tenant advised that the landlord was served with the Application for Dispute Resolution and notice of this hearing (the Hearing Package) by attending at the landlord's place of employment and giving the Hearing Package to another person who was at the landlord's place of employment to give to the landlord.

The *Residential Tenancy Act* is specific about how a Hearing Package, including evidence, notice of hearing, Fact Sheet provided by the Residential Tenancy Branch, and the Application for Dispute Resolution is to be served on a respondent:

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*].

The tenant has not satisfied me that the employee at the landlord's place of employment is an agent of the landlord company. Therefore, I dismiss the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of the tenant's application.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: December 05, 2019

Residential Tenancy Branch