



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD

### 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, including double the amount, pursuant to section 38.

The hearing was conducted by conference call. The landlord did not attend the hearing.

### Preliminary Issue: Service of Tenant's Application

The tenant testified that on September 12, 2019, she served the landlord with the application for dispute resolution by text, e-mail and regular mail. The tenant testified that she also served the application in person to the receptionist of what she believed was not an office but rather a hotel. The tenant testified that she obtained the landlord's address from a google search. The tenant believes all the names and address provided by the landlord may be fake. The tenant did not submit any evidence of the individuals named in the application being also being served.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

*89(1) An application for dispute resolution,...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 document]...*

The tenant only served the application by regular mail and by leaving it with an unknown person at the reception desk of what she described as a hotel. I am not satisfied the landlord has been served with the tenant's application for dispute resolution by registered mail at an address at which he resides or carries on business or in any other manner required by section 89(1) of the *Act*.

### Conclusion

I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: January 14, 2020

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Residential Tenancy Branch