



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held, via teleconference, on May 12, 2020. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- A monetary order that the Landlord return all or part of the security deposit or pet damage deposit

The Tenant attended the teleconference hearing; however, the Landlord did not. The Tenant testified that he served the Landlord with his application package, Notice of Dispute Resolution and evidence on December 12, 2019, by posting it to the Landlord's front door.

I note that section 89(1) and 89(2) of the Act lays out certain service requirements for the Notice of Dispute Resolution, and the Notice of Hearing. Section 89(2) of the Act lays out specific service requirements for applications which involve an order of possession. Section 89(1) lays out the service requirements for all other applications, including applications for monetary compensation.

I note this application is for monetary compensation. As such, the service requirements for this application are laid out in section 89(1) of the Act. Posting the Notice of Dispute Resolution and application package to the front door is not an acceptable method of service for an application for monetary compensation. Applications for monetary compensation must be served 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 find the Tenant has failed to sufficiently serve the Landlord with his application and Notice of Dispute Resolution. I dismiss the Tenant's application, with leave to reapply.

I encourage the Tenant to utilize a method of service allowable under the Act.

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: May 13, 2020

Residential Tenancy Branch