



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDS-DR

### Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding pursuant to section 38.1 of the *Residential Tenancy Act* (the “Act”) and dealt with an Application for Dispute Resolution by the Tenant for a monetary order for the return of double the security deposit and/or the pet damage deposit.

In an *ex parte* Direct Request Proceeding, the onus is on the tenant to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such evidentiary material does not lend itself to ambiguity or give rise to issues that may need further clarification beyond the purview of a Direct Request Proceeding. If the tenant cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

Policy Guideline #49 provides direction for tenants who wish to make an application for the return of a security deposit and/or a pet damage deposit. It confirms that the Residential Tenancy Branch will provide the tenant with a Notice of Dispute Resolution Hearing document which must be served on the landlord along with other specified documents and evidence. Once served, the tenant must complete and submit to the Residential Tenancy Branch a Proof of Service - Notice of Direct Request Proceeding (Form RTB-50). The language in Policy Guideline #49 is mandatory.

In this case, I have examined the documents and evidence submitted by the Tenant. Although the Tenant submitted Canada Post documents in support of service, a Proof of Service - Notice of Direct Request Proceeding (Form RTB-50) was not included. Therefore, I find there is insufficient evidence before me to confirm the Landlord was served with the Notice of direct Request Proceeding and supporting documents as claimed. Accordingly, I find that the Tenant’s application for the return of the security deposit and/or pet damage deposit 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: January 20, 2021

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Residential Tenancy Branch