



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDB-DR, FFT

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 Tenants for a monetary order for the return of double the security and/or pet damage deposits, and to recover the filing fee paid to make the application.

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 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.

In this type of matter, the tenant must prove they served the landlord with the Notice of Direct Request Proceeding with all the required inclusions as indicated in accordance with section 89 of the *Act*.

I note that the Tenants submitted copies of Canada Post receipts containing a Tracking Number to confirm packages were sent to the Landlords on December 17, 2020. However, the Tenants have not provided a copy of the Proof of Service of the Notice of Direct Request Proceeding form which would include a statement establishing service of the Notice of Direct Request Proceeding documents to the Landlords. Without this accompanying statement, I find that I am not able to confirm what documents were included in the registered mailings sent on December 17, 2020.

I find that I am not able to confirm service of the Notice of Direct Request Proceeding on the Landlords, which is a requirement of the Direct Request process, and for this reason the Tenants' application for a monetary order for the return of the security deposit and/or the pet damage deposit is dismissed with leave to reapply. The Tenants' request for a monetary order for the return of the filing fee is dismissed without 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 7, 2021

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Residential Tenancy Branch