



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDS-DR, FFT

### 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 for a Monetary Order for the return of the security deposit (the deposit).

The applicant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on March 7, 2021, the applicant sent the landlord the Notice of Direct Request Proceeding by e-mail.

### Issue(s) to be Decided

Is the applicant entitled to monetary compensation for the return of a security deposit pursuant to sections 38 and 67 of the *Act*?

Is the applicant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

### Analysis

In this type of matter, the applicant must prove they served the landlord the Notice of Direct Request proceeding with all the required inclusions as indicated on the Notice as per section 89(1) of the *Act* which permits service by either leaving a copy with the person or their agent or sending a copy by registered mail to the address at which the person resides or carries on business as a landlord.

I find that the applicant has served the Notice of Direct Request Proceeding by e-mail which is not a method of service that is in accordance with section 89 of the *Act*.

As I find that the applicant has not served the landlord with notice of this application in accordance with section 89 of the *Act*, the applicant's request for a Monetary Order for the return of the security deposit is dismissed with leave to reapply.

As the applicant was not successful in this application, I find that the applicant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the applicant's request for a Monetary Order for the return of the security deposit with leave to reapply.

I dismiss the applicant's request to recover the filing fee paid for this application 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: March 22, 2021

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Residential Tenancy Branch