



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSDB-DR

This matter proceeded by way of an *ex parte* Direct Request Proceeding pursuant to section 38.1 of the *Residential Tenancy Act* and dealt with an Application for Dispute Resolution filed by the Tenant for a monetary order for the return of a security deposit and a 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 to tenants making an application for the return of a security deposit and/or pet damage deposit by Direct Request. It confirms that the tenant must complete and submit a Proof of Service Tenant Notice of Direct Request Proceeding (Form RTB-50) which is provided by the Branch with the Notice of Dispute Resolution Proceeding.

Policy Guideline #49 also confirms that proof of service of the Notice of Direct Request Proceeding and supporting documents may take the form of a "Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report".

In this case, the Tenant submitted a Proof of Service Tenant Notice of Direct Request Proceeding (Form RTB-50) which suggests documents were served on the Landlord by registered mail. However, the Tenant did not include documentation in support of service by registered mail as indicated in Policy Guideline #49. Further, the document does not indicate which documents were served on the Landlord.

Considering the above, I find I am unable to confirm the Notice of Direct Request Proceeding and supporting documents were served on the Landlord in accordance with the *Residential Tenancy Act* and Policy Guideline #49.

As a result, I find that the Tenant's request for the return of a security and pet damage deposit is dismissed with leave to reapply. This is not an extension of any time limit established under the *Residential Tenancy 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: June 18, 2021

Residential Tenancy Branch