



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Eco-world Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

MNSD, FFT

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders including the following:

1. An Order for the return of the security deposit - Section 38; and
2. An Order to recover the filing fee for this application - Section 72.

The Landlord did not appear at the Hearing. The Tenant states that the application for dispute resolution, notice of hearing and evidence (the “Hearing Package”) was not served on the Landlord as the Hearing Package sent to the Tenant from the Residential Tenancy Branch (the “RTB”) ended up in the Tenant’s junk mail.

Section 89(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given 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*].

As the Tenant did not serve the Hearing Package on the Landlord, I cannot find that service has been accomplished as required under the Act. The Tenant's application for dispute resolution is therefore dismissed with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: July 12, 2021

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Residential Tenancy Branch