



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD FF

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. A hearing by telephone conference was held on July 12, 2021. The Tenants applied for a monetary order for return of the security or pet deposit, pursuant to section 38 of the *Residential Tenancy Act* (the *Act*).

Both sides were present at the hearing and provided affirmed testimony. All parties provided testimony and were given a full opportunity to be heard, to present evidence and to make submissions.

### Preliminary Matters

The Tenant, N.M., attended the hearing and was responsible for presenting the Tenants' submissions and evidence. When asked how she served the Landlord with her Notice of Dispute Resolution for this hearing, the Tenant stated that she sent it by registered mail on June 28, 2021. The Tenant provided a tracking number which yielded no results on the Canada Post website. The Landlord denied getting any packages from the Tenants and was only at the hearing because he received an email from our office about an upcoming hearing.

The Tenant was advised during the hearing, that all documentation, including the Notice of Dispute Resolution Proceeding, and all evidence must be received by the Landlord no later than 14 days before the hearing. The Tenant was also advised that pursuant to section 90 of the *Act*, she needed to allow 5 days for the mail to be delivered to the Landlord. Sending the documentation to the Landlord on June 28, 2021, is not sufficient, since it would be deemed served on July 3, 2021, which is closer than 14 days before this hearing.

The Tenant was asked what other packages she mailed to the Landlord, and when, and she stated she doesn't remember if she sent anything else to the Landlord or when. The Tenant did not recall sending any other packages besides the package on June 28, 2021. I pointed out that the Tenant uploaded a registered mail tracking information ticket from March 5, 2021, but she stated she doesn't recall what was in that package, or that it was even sent. Ultimately, I found the Tenants recollection of what they served to the Landlord, and when, was unclear and insufficient to allow this hearing to proceed. As such, I am not satisfied the Tenants sufficiently served the Landlord with the Notice of Dispute Resolution Proceeding, within the acceptable time frames. I dismiss the Tenants' application, with leave to reapply.

In order to facilitate the process, and expedite matters, I confirmed that the Landlord had the Tenants' forwarding address in writing, for the purposes of the return of the security deposit. The Tenant confirmed that this was their current forwarding address, which can be used for service (in Pemberton). The Landlord also confirmed that he has moved back into the subject rental unit (in North Vancouver), and that this is his address for service. The Tenants confirmed they had this address.

For the purposes of the return of the security deposit, I find the Landlord is served with the forwarding address of the Tenant, as of the date of this hearing.

The Landlord must deal with the deposits pursuant to section 38 of the *Act*. The Landlord has 15 days from the date of this hearing to either return the deposits, in full, or file an application against the deposits. The Tenants may re-apply for the return of double the security and pet deposits if the Landlord does not claim against or return the deposit in full within 15 days of this hearing date.

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: July 12, 2021

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Residential Tenancy Branch