



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR

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 by the tenants to obtain monetary compensation for the return of the security deposit (the deposit).

The tenants submitted one signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on July 26, 2021, the tenants sent the landlords the Notice of Dispute Resolution Proceeding - Direct Request by registered mail. The tenants provided a copy of one envelope containing a Canada Post tracking number to confirm this mailing.

Issue(s) to be Decided

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

Analysis

In this type of matter, the tenants must prove they served the landlords with the Notices of Dispute Resolution Proceeding - Direct Request and all documents in support of the application as per section 89 of the *Act* which permits service "by sending a copy by registered mail to the address at which the person resides..."

The tenants must also prove that they served each landlord with the Notice of Dispute Resolution Proceeding - Direct Request in a manner that is considered necessary as per section 71(2) (a) of the *Act*.

Policy Guideline #12 on Service Provisions provides the following requirement:

"Important: all parties named on an application for dispute resolution must receive notice of the proceedings. Where more than one party is named on an application, each party must be served separately."

I find that the envelope submitted by the tenants shows that the tenants have placed both Notices of Dispute Resolution Proceeding - Direct Request in the same envelope with multiple persons named. In an ex parte hearing, I find that I am not able to confirm service of the Notices of Dispute Resolution Proceeding - Direct Request to each of the parties individually as required by sections 71 and 89 of the *Act*.

For this reason, the tenants' application for a Monetary Order for the return of the security deposit is dismissed with leave to reapply.

Conclusion

I dismiss the tenants' application for a Monetary Order for the return of the security deposit with 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: August 19, 2021

Residential Tenancy Branch