



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSDS-DR

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 Tenant for a monetary order for the return of a security 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 by Direct Request. It confirms that the tenant must complete and submit a Proof of Service Tenant's Notice of Direct Request Proceeding (Form RTB-50). This document is provided to the tenant by the Residential Tenancy Branch with the Notice of Dispute Resolution Proceeding. Once completed, it provides confirmation of service of the Notice of Dispute Resolution Proceeding package on the landlord. The language in Policy Guideline #49 is mandatory.

In this case, the Tenant did not submit a completed Proof of Service Tenant's Notice of Direct Request Proceeding as required under Policy Guideline #49. Rather, the Tenant submitted copies of a text message and an email dated November 15, 2021 in support of service of the Notice of Dispute Resolution Proceeding package by email. However, text messages are not an approved method of service under the Act. I also note that an adjudicator dismissed the Tenant's request for an order for substituted service by email in a decision dated December 3, 2021.

Considering the above, I find I am unable to confirm service of the Notice of Dispute Resolution Proceeding package on the Landlord. Therefore, I order that the Tenant's request for an order granting the return of the security deposit is dismissed with leave to reapply. This is not an extension of any time limit established under the 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: January 7, 2022

---

Residential Tenancy Branch