



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

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 tenant to obtain monetary compensation for the return of double the security deposit (the deposit) and to recover the filing fee paid for the application.

The tenant submitted two signed Proof of Service Tenant's Notice of Direct Request Proceeding forms which declare that on January 28, 2022, the tenant sent each landlord the Notice of Dispute Resolution Proceeding - Direct Request by registered mail. The tenant provided a copy of the Canada Post tracking reports and delivery confirmations to confirm these mailings.

Issue(s) to be Decided

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

Is the tenant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Analysis

In this type of matter, the tenant must prove they served the landlords with the Notice 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 landlords reside or carry on business as landlords.

I find that the address indicated on the Proof of Service Tenant's Notice of Direct Request Proceeding forms is not the landlords' address for service as established in the tenancy agreement. There is also no indication as to whether the landlords reside or carry on business as landlords at this alternative address or whether they have provided the tenant this address for service of documents.

Furthermore, the delivery confirmations indicate that the registered mail packages were both signed for by Person D.D. I find this does not match either landlord named as respondents in the Application for Dispute Resolution (Person R.W. and Person N.L.).

I find I am not able to confirm service of the Notices of Dispute Resolution Proceeding - Direct Request to the landlords, which is a requirement of the Direct Request process.

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

As the tenant was not successful in this application, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the tenant's application for a Monetary Order for the return of the security deposit with leave to reapply.

I dismiss the tenant's application to recover the filing fee paid for this application without 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: March 09, 2022

Residential Tenancy Branch