



# 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 tenant to obtain monetary compensation for the return of double the security deposit (the deposit).

The tenant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on August 3, 2022, the tenant sent the landlord(s) the Notice of Dispute Resolution Proceeding - Direct Request by registered mail. The tenant provided a copy of the Canada Post Customer Receipt containing the tracking number to confirm this mailing.

### 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*?

### Analysis

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.

In this type of matter, the tenant must prove they served the landlord(s) with the Notices of Dispute Resolution Proceeding - Direct Request and all documents in support of the application as indicated on the Notice 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 tenant 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 note that the tenancy agreement lists two separate landlords (Person A.C. and Person R.C.); however, the tenant's application only names one respondent (Person A.R.C.) It appears the tenant combined both landlords' names into one respondent.

I also find that the tenant only submitted one registered mail receipt for service of the Notice of Dispute Resolution Proceeding - Direct Request.

In an *ex parte* hearing, I find that I am not able to confirm whether the tenant sent one copy of the Direct Request package to Landlord A.C., sent one copy of the package to Landlord R.C., or sent one package with both landlords named on the same envelope.

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

### Conclusion

I dismiss the tenant's 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: October 14, 2022

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Residential Tenancy Branch