



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction and Analysis

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for a return of his security deposit.

The tenant appeared; the landlord did not appear.

The tenant testified that the landlord was served with the Application for Dispute Resolution and Notice of Hearing by having his advocate personally deliver the documents to the landlord's ex-wife.

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the landlord in this case) by leaving a copy with that person, or if a landlord, by leaving a copy with an agent of the landlord, by registered mail to the address at which the person resides, or if a landlord, by registered mail to the address at which the person carries on business as a landlord.

Conclusion

I find the tenant failed to serve the landlord his application for dispute resolution in a manner required by the Act when the hearing package was delivered by leaving it with a person who was not the landlord or his designated agent.

I therefore dismiss the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondent.

Dated: October 30, 2012.

Residential Tenancy Branch