



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF

### Introduction and Preliminary Issue

This hearing dealt with the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenants applied for a monetary order for a return of their security deposit and for recovery of the filing fee paid for this application.

The tenants appeared and gave affirmed testimony; the landlord did not attend the hearing.

In response to my question, the tenant stated that she served the landlord the Notice of Dispute Resolution Hearing and their application for dispute resolution (the "hearing package") by placing the same in the landlord's mailbox.

### Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the landlord in this case) in 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. In this case, the tenants neither served the landlord personally or by registered mail.

As the tenants did not serve the respondent/landlord their application for dispute resolution and Notice of Hearing in a manner required by the Act, I dismiss the tenants' 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 28, 2014