



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a tenant's application for return of the security deposit and compensation for damage or loss under the Act, regulations or tenancy agreement. The landlord did not appear at the hearing.

Section 89 of the Act provides for ways an Application for Dispute Resolution must be served upon the other party. Where a party makes a monetary claim, such as this, the applicant must serve the other party in person or via registered mail pursuant to section 89. Registered mail is any method of mail delivery offered by Canada Post for which confirmation of delivery is available.

The tenant testified that she mailed the hearing documents to the landlord on September 30, 2015. I noted that the tenant did not submit a copy of the receipt for mailing. The tenant had the receipt in front of her and I asked her to provide the registered mail tracking number. The number provided did not correlate to a valid registered mail tracking number. I asked the tenant to read more detail from the receipt and in further discussions with the tenant I determined that she had not sent the hearing documents via registered mail. Rather, it sounded as though the tenant purchased a large envelope from Canada Post and purchased postage for the package to be sent regular mail.

Since the tenant did not serve the landlord in a manner that complies with the Act, I dismiss this application with leave to reapply. The tenant remains at liberty to file another application within the statutory time limit for doing so.

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: April 12, 2016

Residential Tenancy Branch