



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This matter dealt with an application by the Tenant for the return of her security deposit and to recover the filing fee.

The Tenant said she filed the application on April 1, 2019 and following that date she went out of the country. As a result the Tenant said she did not understand that she had to serve the Landlord with the Application and Notice of Hearing (the “hearing package”) by one of the methods of service in the Act. The Tenant said she did not serve the Landlord with the documents.

Based on the testimony of the Tenant, I find that the Landlord was not served with the Tenant’s hearing package as required by s. 89 of the Act. Service of the Hearing package is to be within 3 days of filing an application. Consequently, I dismiss the Tenant’s application due to lack of service of the Application and Notice of Hearing (the “Hearing package”).

Conclusion

The Tenant’s application is dismissed 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: June 17, 2019

Residential Tenancy Branch