



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

This hearing was convened in response to an application by the Tenants claiming an order for return of the security deposit pursuant to section 38 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not appear at the Hearing. The Tenant states that the application for dispute resolution and notice of hearing (the “Materials”) were served on the Landlord by placing the Materials in the Landlord's mailbox. The Tenant does not recall the date for that service.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. Section 89(1) of the Act provides that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

As the Tenant served the Materials to the Landlord's mailbox and without evidence of the date of that service, I cannot find that service has been accomplished in accordance with the Act. I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 24, 2020

Residential Tenancy Branch