



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR, FFT

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the tenant to obtain monetary compensation for the return of the security deposit and the pet damage deposit (the deposits) and to recover the filing fee paid for the application.

The tenant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on August 4, 2022, the tenant sent the Notice of Dispute Resolution Proceeding - Direct Request by e-mail. The tenant provided a copy of the outgoing e-mail containing the Notice of Dispute Resolution Proceeding – Direct Request as an attachment confirm this mailing.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation for the return of a security deposit and a pet damage deposit pursuant to sections 38 and 67 of the *Act*?

Is the tenant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Analysis

In this type of matter, the tenant must prove they served the landlord with the Notice of Dispute Resolution Proceeding - Direct Request and all documents in support of the application in accordance with the *Act*.

The tenant was successful in obtaining an order for substituted service, allowing the tenant to serve the Direct Request documents by e-mail.

I note that the e-mail submitted by the tenant shows the Notice of Dispute Resolution Proceeding was included as an attachment. However, the supporting documents and evidence were not attached to the e-mail.

Instead, the tenant provided a link to a Google Drive account for the landlord to access the evidence.

I find that providing a Google Drive link is not a method of service permitted under section 89 of the *Act*. I also find that the substituted service decision only permitted service by e-mail and did not authorize the tenant to serve evidence and documents via a Google Drive link.

I find I am not able to confirm service of the Notice of Dispute Resolution Proceeding - Direct Request, and all supporting documents, to the landlord in accordance with the *Act*.

For this reason, the tenant's application for a Monetary Order for the return of the security deposit and the pet damage deposit is dismissed with leave to reapply.

As the tenant was not successful in this application, I find the tenant is not entitled to recover the filing fee paid for this application.

Conclusion

I dismiss the tenant's application for a Monetary Order for the return of the security deposit and the pet damage deposit with leave to reapply.

I dismiss the tenant's application to recover the filing fee paid for this application without 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: August 26, 2022

Residential Tenancy Branch