



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD, & FF.

Introduction:

This hearing dealt with an application by the landlord seeking an Order of Possession and a monetary claim related to non-payment of rent by the tenant. The landlord also seeks to retain the tenant's security deposit plus interest in partial satisfaction of this claim and to recover the \$50.00 filing fee paid for this application.

Although the tenant was served with notice of the landlord's application and this hearing by registered mail, she did not appear. I proceeded with the hearing in the tenant's absence.

Background:

I accept the submitted and oral evidence of the landlord that this tenancy began on March 1, 2008 for the monthly rent of \$575.00. The tenant paid a security deposit of \$287.50 on February 28, 2008 and the tenancy was a fixed term lease ending on August 31, 2008. According to the evidence of the landlord, the tenant vacated the rental unit on approximately August 15, 2008 after being served with a ten day Notice to End Tenancy for non-payment of rent on August 5, 2008.

Analysis:

Section 89 of the *Act* deals with the service of documents requirements when making an application for an Order of Possession and a monetary claim. This section of the *Act* requires that a respondent to this type of application must be served at an address at which they reside.

The landlord stated in the hearing that the tenant was served with notice of this hearing by registered mail on August 26, 2008 to the above noted address. I cannot accept this as appropriate service as the landlord was aware that the tenant no longer resided at this address. Therefore, I am not satisfied that the tenant has been served with proper notice of the application made against her.

Conclusion:

Having determined that the landlord has not met the service requirements of section 89

of the *Act*, I must dismiss this application with leave to re-apply. The landlord may file a new application and re-serve the tenant in a method that complies with section 89.

Dated September 29, 2008.