



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR

OPR

MNSD

FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated May 13, 2009, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Preliminary Issue

The hearing commenced as scheduled and only the applicant landlord appeared. At the outset of the hearing the landlord stated that the tenant had vacated and that the landlord was not successful in serving the Notice of Hearing and evidence for these proceedings on the respondent.

Section 89 (1) of the Act states 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*]. (substitute service)

Conclusion

Based on the above and the fact that the respondent was not properly served according to the Act, I find that the hearing cannot proceed. Accordingly, I hereby dismiss the landlord's application with leave to reapply once the landlord's current service address has been established or until the landlord obtains an order of substitute service under section 71(1) to serve the tenant in another manner.

July 2009

Date of Decision

Dispute Resolution Officer