# Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

## DECISION

Dispute Codes        OPR, MNR, MND, MNSD, FF

Introduction

This matter dealt with an application by a Landlord for an Order of Possession and a Monetary Order for unpaid rent for compensation for damages to the rental unit, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said she served the Tenant with the Application and Notice of Hearing by posting it to the rental unit door on June 25, 2010. Section 89(2) of the Act says that an application for an Order of Possession may be served on a Tenant by posting it to the rental unit door however s. 89(1) of the Act says that an application for a Monetary Order must be served on the Tenant either in person or by registered mail. Consequently, I find that the Tenant was not properly served with the Landlord's application for a Monetary Order and that part of her application is dismissed with leave to reapply.

At the beginning of the hearing, the Landlord claimed that the tenancy ended on July 6, 2010 when the Tenant moved out. In the circumstances, I find that there is no need to hear the Landlord's application for an Order of Possession and it is dismissed without leave to reapply.

Conclusion

The Landlord's application for an Order of Possession is dismissed without leave to reapply. The Landlord's application for a Monetary Order 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: July 13, 2010.

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Dispute Resolution Officer