



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, & FF

Introduction

This hearing dealt with the landlord's application seeking an Order of Possession and a monetary claim due to the tenants' failure to pay rent. The tenants did not appear for the hearing.

Service Requirements

Sections 88 and 89 of the *Act* set out the ways in which documents under the *Act* are to be given to the other party. The purpose of serving documents is to notify the person(s) of applications being made for Dispute Resolution. Failure to serve documents properly can result in an application for Dispute Resolution to be dismissed.

Issues(s) to be Decided

Has the landlord provided sufficient evidence to determine that the landlord was served with notice of this application and hearing?

Background and Evidence

The landlord confirmed in the hearing that the tenants were not served with notice of this application and hearing. The landlord the tenants were informed that the landlord would be filing an application for Dispute Resolution. The landlord attempted to serve the documents on September 18, 2010; however, the tenants did not answer the door.

The landlord did not see the tenants and posted a 24 hour notice to enter the rental unit. When the landlord entered the rental unit it was determined that the tenants had abandoned the rental unit as it was empty and did not have any of the tenants' possessions.

The landlord was not provided with a forwarding address.

Analysis

I accept the landlord's evidence that the tenants were not served with notice of this application and hearing as required by sections 88 and 89 of the *Act*.

Conclusion

I dismiss the landlord's application with leave to re-apply as the landlord was unable to serve the tenants with notice of this application and hearing pursuant to sections 88 and 89 of the *Act*.

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: October 25, 2010.

Dispute Resolution Officer