



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

All testimony was taken under affirmation.

Decision and reasons

At the hearing the applicant stated that the tenant had vacated the rental unit well before he applied for dispute resolution, and therefore no Order of Possession is required.

The applicant also stated that he served the notice of hearing an application for dispute resolution on the tenant by sending it by registered mail to the tenants place of employment, however the package was returned stamped "moved".

Section 89 of the Residential Tenancy Act states:

89 (1) An application for dispute resolution when required to be given to one party by another, 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;



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(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].

In this case the applicant did not serve the notice of hearing and the application for dispute resolution in a method recognized under the Residential Tenancy Act.

Further the applicant did not apply for an order allowing an alternate method of service.

Therefore since the application for dispute resolution has not been served in a method recognized under the Residential Tenancy Act, and there is no evidence to show that the respondent actually received the documents, I am not willing to allow this application to proceed.

Conclusion

This application 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: November 16, 2010.

Dispute Resolution Officer