



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenant for this application.

Issues(s) to be Decided

1. Has service of the hearing documents been effected in accordance with the Act?
2. Is the Landlord entitled to an Order of Possession pursuant to section 55 of the *Residential Tenancy Act*?
3. Is the Landlord entitled to a Monetary Order pursuant to section 67 of the Act?

Background and Evidence

At the onset of the hearing the Landlord stated the hearing documents were served to the Tenant on November 5, 2010 when they were posted to the Tenant's door.

The Landlord confirmed the Tenant vacated the unit during the weekend of November 28, 2010. The Landlord has regained possession and no longer requires an Order of Possession.

Analysis

Section 89 of the *Residential Tenancy Act* determines the method of service for documents. The Landlord has applied for an order of possession and a monetary Order

which requires that the Landlord serve the respondent Tenant with the notice for dispute resolution either in person or by registered mail to an address where the Tenant resides, in accordance with section 89 (1) of the Act.

In this case the Landlord served the Tenant with the Notice of Direct Request by posting it on the Tenant's door. Section 89(2)(d) provides that if the Notice of Dispute Resolution Hearing was served by attaching a copy to a door, then service is met only for the request of an Order of Possession.

Based on the aforementioned I find that the service requirements for the request for a monetary order have not been met and the Landlord has withdrawn their request for an Order of Possession. Therefore, I hereby dismiss the Landlord's request for a monetary order, with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application, 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 30, 2010.

Dispute Resolution Officer