



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an application by the landlord for an order ending this tenancy early.

Issue to be Decided

Was the tenant served with the application for dispute resolution and notice of hearing?

Background and Evidence

The landlord testified that on February 13, 2011 he changed the locks to the rental unit and removed all of the tenant's belongings. The landlord claimed he was advised to do so by the police.

On February 14, 2011 the landlord filed an application for dispute resolution. The landlord stated that he served the application for dispute resolution and notice of hearing (the "Hearing Documents") on the tenant by posting the Hearing Documents on the door to the rental unit.

Analysis

In order to proceed with the hearing, I must be satisfied that the tenant was served with the Hearing Documents. In this case, the landlord engaged in a "self-help" remedy by changing the locks and removing the tenant's belongings on February 13. As the tenant no longer had access to the rental unit and had no reason to return to the unit as his belongings were no longer therein, I find that he cannot be considered to have been living at the rental unit on February 14.

Section 89(1)(d) provides that Hearing Documents may be served on a tenant by posting the documents to the door at the address *at which the tenant resides*. I find that because the landlord had illegally changed the locks and removed the tenant's

belongings on February 13, the tenant no longer resided at the rental unit on February 14 and therefore service on the door of that unit cannot be effective.

Conclusion

I find that the tenant was not served with the Hearing Documents and therefore had no notice of the claim made against him. The 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: February 23, 2011

Residential Tenancy Branch