

## **DECISION**

**Dispute Codes:** OPC, MNSD, MND, MNDC, FF

### **Introduction**

This is the Landlord's application for an Order of Possession for Cause; a Monetary Order for damage to the rental property; for compensation for damage or loss under the Act, tenancy agreement, or regulation; to apply the security deposit towards his monetary award; and to recover the cost of the filing fee from the Tenants.

It is important to note that the Landlord was provided with an Order of Possession on November 5, 2011, and therefore this portion of the Landlord's application is dismissed.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he gave the Tenants a copy of his Application for Dispute Resolution and the Notice of Hearing document by posting the documents to the Tenant's door. When an Applicant is seeking a monetary award, Section 89(1) of the Act provides the following methods of service of Applications for Dispute Resolution:

- (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;
- (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*].

The Landlord did not serve the Tenants in accordance with the provisions of the Act and therefore the Landlord's Application is dismissed with leave to reapply.

**Conclusion**

The Landlord's application for an Order of Possession was granted on November 5, 2010, and therefore this portion of his application is dismissed.

The Landlord did not serve the Tenants with his Application and Notice of Hearing documents in accordance with the provisions of Section 89(1) of the Act and therefore the remainder of his 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: March 18, 2011.

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