

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Was the tenant properly served with the notice to end tenancy? Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The tenancy started on December 01, 2010. The monthly rent is \$500.00 due in advance on the first of each month. On March 12, 2011, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The landlord stated that she knocked on the door and the tenant did not answer even though he was home. The landlord slipped the notice through the mail slot in the door. The tenant denied having received the notice to end tenancy.

Analysis

Section 89 (2) of the *Residential Tenancy Act* entitled "How to Give or Serve Documents" states that an application by a landlord for an order of possession under Section 55 must be given to the tenant in one of the following ways:

- (a) By leaving a copy with the tenant;
- (b) By sending a copy by registered mail to the address at which the tenant resides;
- (c) By leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) By attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) As ordered by the director under Section 71

In this case the landlord served the notice to end tenancy by slipping it into the mail slot on the front door. Since, the service of this document was not carried out in compliance with Section 89 and since the tenant denies having received the notice to end tenancy, I find that the tenant was not properly served.

Conclusion

The landlord's application is dismissed.

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: April 13, 2011.

Residential Tenancy Branch