



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC

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. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The notice to end tenancy and the notice of hearing were both served on the tenant by slipping the notices under the door of the rental unit. The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Was the tenant properly served with both notices?

Conclusion

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 and the notice of hearing by slipping them under the door. Since, the service of this document was not carried out in compliance with Section 89 and since the tenant did not attend the hearing, I find that the tenant was not properly served.

Conclusion

The landlord's 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: June 09, 2011.

Residential Tenancy Branch