



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package by posting the Notice to the rental unit door.

The landlord gave evidence that the tenant has now vacated the rental unit and therefore the Order of Possession is no longer required. The landlord is now only seeking a monetary award in the sum of \$550.00 representing \$500.00 in by-law infraction fines and \$50.00 filing fee recovery.

The tenant did not appear at the hearing. The landlord gave evidence that he did not receive a forwarding address from the tenant when the tenant vacated the rental unit and he does not know where the tenant is. The landlord testified that he served the Application for Dispute Resolution on the tenant by way of posting the Application to the rental unit door.

Section 89 of the *Residential Tenancy Act* sets out the means by which Applications for Dispute Resolution seeking claims other than Orders of Possession may be served:

Special rules for certain documents

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (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*].

As posting of an Application for Dispute resolution is not one of the acceptable means of service for an Application seeking a monetary award I am not satisfied that the tenant has been duly served as required.

The landlord's application is therefore 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*.
