



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord's agent said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by leaving it in the mail box at the rental unit on September 27, 2011. The Landlord's agent said he later discovered that the Tenant had vacated prior to that date, however he claimed that the Tenant's brother-in-law told him that the Tenant received those documents and knew about the hearing.

Section 89(1) of the Act says that an Application for a Monetary Order must be served in person or by registered mail unless the applicant receives prior authorization from the director to serve it in a different way. I find that the Landlord's hearing package was not served on the Tenant as required under s. 89(1) of the Act and that the Landlord did not have the prior authorization of the director to serve it in a different way. Although the Landlord claimed that the Tenant's brother-in-law advised her agent that the Tenant received the documents, this is double hearsay evidence and very unreliable.

### 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: October 26, 2011.

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Residential Tenancy Branch