

Decision

Dispute Codes: MNR, OPR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated September 3, 2011, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Despite being served with the Notice of Hearing by having it posted on the tenant's door, the tenant failed to appear. Only the applicant landlord appeared.

At the outset of the hearing, the landlord advised that the tenant had vacated the unit without paying the rental arrears and without providing a forwarding address. Therefore the issue of the Order of Possession is now moot.

Issue(s) to be Decided

The remaining issue to be determined based on the testimony and the evidence is whether the landlord is entitled to monetary compensation for rental arrears owed.

Preliminary Matter

The landlord testified that the Notice of Hearing was posted on the tenant's door.

Sections 88 and 89 of the Act determine the method of service for documents.

Because the landlord had applied for a Monetary Order under section 67 of the Act, there is a mandatory requirement that the landlord serve the tenant as set out under Section 89(1) of the Act. This section states that the landlord must serve in one of the following ways:

(a) by leaving a copy with the person, (personal service);

(c) by sending a copy by registered mail to the address at which the person resides

In this case by posting the documents on the door, the landlord served the documents in a manner not in compliance with the Act. Having found that the landlord has failed to

prove adequate service of the Notice of Hearing and Application for Dispute Resolution, I find that the landlord's application must be dismissed with leave to reapply.

Conclusion

The landlord's application is hereby 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.

Residential Tenancy Branch