



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, and a monetary order for unpaid rent and the filing fee.

The Landlord provided affirmed testimony that he served the Tenant, with the Application for Dispute Resolution and Notice of Hearing on October 28, 2011, by posting these documents on the Tenant's door.

The Tenant did not participate in the conference call hearing.

The Landlord testified that the Tenant has promised to pay the outstanding rent but had not done so, and is still residing in the rental unit. The Landlord explained that the Tenant was not home when he went the rental unit to serve the Application for Dispute Resolution and the Notice of Hearing on October 28, 2011, so he posted these on the door of the rental unit.

The Notice of Hearing and Application for Dispute Resolution package were made available to the Landlord on October 28, 2011. Section 59(3) of the Residential Tenancy Act, the "Act", requires that the applicant serve the respondent with the Application, which includes the Notice of Hearing, within three days. Section 89 of the Act, provides specific rules for the service of the Application for dispute resolution package. Section 89 states:

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*].

The Landlord served the Application and Notice by posting it on the Tenant's door, thus I find that the Landlord failed to serve these documents in accordance with section 89 of the Residential Tenancy Act (the "Act").

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: November 18, 2011.

Residential Tenancy Branch