



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with a landlord's application for an order of possession and for a monetary order for unpaid rent. The tenant did not attend the hearing. The landlord stated that she served the tenant with the notice of hearing by taping it to the front door.

Issues(s) to be Decided

Was the tenant served the notice of hearing?

Background and Evidence

Section 89 of the *Residential Tenancy Act* addresses how to give or serve 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].

Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with section 89 of the *Act*.

Conclusion

The landlord's application is dismissed.

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: March 20, 2012.

Residential Tenancy Branch