



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The landlord participated in the hearing and provided affirmed testimony. He testified that on April 19, 2012 he served the Notice of a Dispute Resolution Hearing to the tenant by posting the notice on the tenant's door.

Section 89(1) of the *Residential Tenancy Act* states:

*"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].*

Posting a notice to a dispute resolution hearing is not recognized under the Act as a proper method of service. Based on the landlord's testimony I am satisfied that the tenant was not served in accordance with the Act. In the interest of administrative fairness, the tenant is entitled to be served properly and to an opportunity to be heard at a hearing. I am not persuaded that the tenant had knowledge of the date scheduled for this hearing.

Conclusion

The landlord's application is dismissed with leave to reapply. Take notice that a leave to reapply is not an extension to any applicable limitation period.

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: April 30, 2012.

Residential Tenancy Branch