

DECISION

Dispute Codes: OPR, MNSD, MNR, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; to apply the security deposit towards her monetary award.; and to recover the cost of the filing fee from the Tenants.

The Landlord gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord testified that she mailed the Notice of Hearing documents, by registered mail to two of the Tenants (JS and TS) at the rental unit on April 13, 2012. She stated that the Tenants JS and TS had moved out of the rental unit at the end of March, 2012. The Landlord testified that she did not serve the other parties named as respondents because they were not her tenants. She stated that the Tenants JS and TS had rented rooms and collected rent from the other respondents noted on her application, but that she had no relationship with them. The Landlord testified that she found out their names when she found that they were living in the rental unit after the Tenants JS and TS moved out.

Section 89(1) and (2) of the Act provides the service methods for Applications for Dispute Resolution:

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].

(2) An application by a landlord **under section 55 [order of possession for the landlord]**, 56 [application for order ending tenancy early] or 56.1 [order of possession: tenancy frustrated] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].
(emphasis added)

The Landlord did not serve the respondents SC, GS, MV or HC with notice of today's Hearing. The Tenants JS and TS did not reside at the rental unit when the Landlord sent the Notice of Hearing documents to the rental unit and therefore I find that the Landlord has not served any of the respondents in accordance with the provisions of the Act.

The teleconference remained open for 15 minutes and none of the respondents signed into the Hearing. Without sufficient proof of service, the Landlord's application cannot proceed.

Therefore, I dismiss the Landlord's application **with leave to reapply**.

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: May 03, 2012.

Residential Tenancy Branch