



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

ET

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession.

The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord informed me that since the tenant was arrested and incarcerated at the time the landlord made this application, the notice of hearing was served on the tenant by taping it to the front door of the rental unit.

Issues(s) to be Decided

Was the tenant properly served with the notice of hearing? Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started on September 23, 2011. The landlord stated that since January 2012, the tenant received multiple visits from the police for various reasons. Based on these incidents, on June 05, 2012, the landlord served the tenant with a one month notice to end tenancy for cause.

Analysis

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: June 22, 2012.

Residential Tenancy Branch