



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The landlord testified that he served the application for dispute resolution and notice of hearing by posting them to the door of the rental unit. He said that the tenants refused to open the door to accept service of the documents.

The landlord testified that the tenants have moved out of the rental unit. They left items in the rental unit but told the landlord that they were items they no longer wanted. The landlord confirmed at the hearing that he has recovered possession of the rental unit and no longer requires an order for possession. He said that he does not have any idea of the whereabouts of the tenants

Analysis and conclusion

The *Residential Tenancy Act* requires that an application for dispute resolution must be served on a tenant either personally or by registered mail, except for an application seeking only an order for possession. The tenancy has ended and the landlord now has possession of the rental unit so an order for possession is no longer required. Because the application and Notice of Hearing were not served in accordance with the requirements of section 89 of the *Residential Tenancy Act* the landlord's application for a monetary order 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: January 24, 2013

Residential Tenancy Branch

