



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46; and
- c) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended but the tenant stated he did not receive the Application for Dispute Resolution by registered mail and just found it tacked to the “shop” door. I found that the address was incorrect on the Postal tracking site. The tenant supplied an address for service in the hearing. I find that the tenant was not properly served with the documents according to sections 88 and 89 of the Act so I dismiss this Application.

Both parties attended. Apparently the tenant has rented the acreage and shop from the landlord for about 20 years and sublet it. He collected rent and remitted rent to the landlord. Apparently the landlord contacted the sub tenant in November 2012, took over the tenancy, collected rent directly of \$1500 a month and the head tenant who is the subject of this Application was to pay an extra \$500 per month. The head tenant disputes this. However the Application was not served according to the legal requirements of section 89 of the Act so I dismiss the Application 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 14, 2013

Residential Tenancy Branch

