



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPR, MNR, MNSD, FF

### Introduction

This hearing was scheduled to deal with cross applications. The tenant applied to cancel a 10 Day notice to End Tenancy for Unpaid Rent. The landlord applied for an order of Possession for unpaid rent and a Monetary Order for unpaid rent; and, authorization to retain the security deposit.

The tenant did not appear at the hearing. The landlord testified that the tenant vacated the rental unit and returned possession of the rental unit this morning.

In light of the above, I found the tenant's application abandoned and since the landlord has already regained possession of the rental unit an Order of Possession is no longer required and I do not provide one with this decision.

With respect to the landlord's monetary claim, the landlord was unable to prove service of the landlord's Application upon the tenant in a manner that complies with the Act. The landlord first testified that the landlord's hearing documents were given to the building concierge and the concierge told the landlord that he gave the documents to the tenant. After informing the landlord that this submission was insufficient proof of service in the absence of the concierge's testimony the landlord then stated the hearing documents were posted on the tenant's door.

Section 89(1) of the Act provides for ways a party may serve the other party with an Application for Dispute Resolution involving a monetary claim. The acceptable methods of service are personal service and registered mail sent to the address where the tenant resides or the tenant's forwarding address. Posting hearing documents to the door of the rental unit is not an acceptable method of service for a monetary claim.

In light of the above, I dismissed the landlord's monetary claims against the tenant 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: June 04, 2013

---

Residential Tenancy Branch

