



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, MNR, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, based on a 2 Month Notice to End Tenancy for Landlord's Use of Property, issued on January 3, 2013, and for a monetary order for unpaid rent or utilities and for money owed or compensation for damage or loss under the Act.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified that the tenant was served by registered mail, a Canada post tracking was provided as evidence. The landlord was unable to confirm if the package was received by the tenant.

Under the Residential Policy Guidelines, there are only three way methods of services that are recognized, when serving an application for dispute resolution. These methods are personal service, registered mail, or an order for substituted service granted by an arbitrator.

When a landlord is serving a tenant by registered mail, such as in this case, the address for service must be where the tenant resides at the time of mailing. The evidence of the landlord was that the tenant was residing at the rental unit listed in the application.

However, I note the service address in the application is not that of the rental unit where the tenant was residing and is not in the same town as the rental unit.

I find the landlord did not have an order for substituted services to serve the tenant at the address listed in the application. Therefore, I find the landlord has not complied with the legislation. The landlord's application is dismissed 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: June 24, 2013

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Residential Tenancy Branch