



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sunset Park Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the landlords application for an Order of Possession for unpaid rent; for a Monetary Order for unpaid rent; for an Order permitting the landlord to keep all or part of the tenants security and pet deposit; and to recover the filing fee from the tenants for the cost of this application.

The landlord's agent appeared however there was no in attendance for the tenants.

At the outset of the hearing the landlord advised that the tenants are no longer residing in the rental unit as they moved out sometime in July, 2013. Therefore, the landlord no longer requires an Order of Possession.

The landlord states that the tenants were served with a copy of the landlords application and Notice of Hearing documents by posting them to the tenants door.

Analysis

Section 89 of the Act states that hearing documents must be given in one of the following ways:

- 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*].

According to section 89 of the Act, documents for Dispute Resolution cannot be served by posting them in the tenant's mail slot when the landlord is applying for a Monetary Order. Consequently, I am unable to determine that the tenants were sufficiently served for the purposes of the *Act*.

Conclusion

The landlord's application is therefore 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: July 25, 2013

Residential Tenancy Branch