



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF, SS

Preliminary Issues

This hearing originally convened on October 16, 2013. At that hearing the issue of service to the tenant was discussed. The landlord had applied for an Order for Substitute Service to serve the tenant to his parent's home as the tenant had not provided a forwarding address to the landlord. An Order for Substitute Service was issued and the hearing was reconvened on today's date.

### Introduction

This hearing was convened by way of conference call in response to the landlord's application for a Monetary Order for unpaid rent or utilities; for an Order permitting the landlord to keep all or part of the tenant's security deposit; and to recover the filing fee from the tenant for the cost of this application. The Substitute Service was dealt with at the hearing on October 16, 2013

The landlord appeared and gave sworn testimony. There was no appearance for the tenant; the landlord testifies that he served the tenant in accordance to the Substitute Service Order to the parents of the tenant by posting the documents to the tenant's parent's door on October 26, 2013.

### Analysis

Sections 88 and 89 of the *Residential Tenancy Act (Act)* determine the method of service for certain documents. The landlord has applied for a Monetary Order which

requires that the landlord serve the tenant as set out under Section 89(1). The landlord posted the application and Notice of Hearing to the door of the tenant's parents as indicated under the Substitute Service Order allowing the landlords to serve the tenants parents on behalf of the tenant, However, a party is not permitted to serve the other party by posting the hearing documents to a door when the application is for a Monetary Order pursuant to section 89(1) of the *Act*.

Consequently I find that proper service has not taken place.

### Conclusion

The landlord's application is dismissed with leave to reapply.

The Substitute Service Order dated October 16, 2013 will still apply if the landlord does file a new application in 2014.

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: November 27, 2013

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Residential Tenancy Branch

