



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders including the following:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

The Tenant did not appear at the Hearing. The Landlord’s application was made November 22, 2013. The Landlord states that he has no information on how this application was served. The Landlord states that an amended application was served in person on January 10, 2013.

The Act provides the following requirements for service of the Application:

- 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*].

Section 59 of the Act provides that an application for dispute resolution must be given to the other party within 3 days of making the application.

Given that the amended application was not served until recently and considering that there is no evidence to support the service of the original application, I find that the Landlord has failed to serve the application as required under the Act. I therefore 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: January 16, 2014

Residential Tenancy Branch

