



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

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

One of the landlords appeared for the hearing and provided affirmed testimony during the hearing. The landlord testified that he had served the tenants with the Notice of Hearing documents by posting them to the tenants' door. As a result, I find that the landlords served the tenants with the Notice of Hearing documents requesting an Order of Possession pursuant to section 89 (2) (d) of the Act.

However, the landlord testified that the tenants had abandoned the rental suite and therefore there was no requirement for an Order of Possession. As a result, I dismiss this portion of the landlord's application. The landlord is cautioned as to Part 5 of the Residential Tenancy Branch Regulations which provides information on abandonment of personal property.

With regard to the landlord's application for a Monetary Order for unpaid rent; Section 89 (1) of the Act does not allow an applicant to serve the respondent with the Notice of Hearing documents by posting them to the door. As this method of service is not acceptable under Section 89(1) of the Act when making a monetary claim, I dismiss the monetary portion of the landlord's application with leave to reapply.

Conclusion

As it was necessary for the landlord to make this application because the tenants were still in possession of the rental suite at the time, I find that the landlords are entitled to the recovery of the filing fee for the cost of making the application.

As a result, I order the landlord to retain \$50.00 from the tenants' security deposit pursuant to section 72(2) (b) of the Act.

For the above reasons, the remainder of the landlord's application is dismissed with leave to re-apply.

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: February 19, 2014

Residential Tenancy Branch

