



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KAZAWEST SERVICES INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; damage to the unit or property; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord testified that the hearing package was posted to the door of the rental unit on April 10, 2014 and the tenant vacated the rental unit after April 15, 2014.

Where the respondent does not appear at a hearing, the applicant must be prepared to prove service of hearing documents in a manner that complies with the Act. Section 89 of the Act determines the method of service for documents related to a dispute resolution proceeding.

The landlord has applied for a Monetary Order which requires that the landlord serve the respondent using one of the methods required under section 89(1) of the Act. Section 89(1) provides that a landlord may serve a tenant with a monetary claim personally or by registered mail sent to the tenant's address of residence or forwarding address. Posting on the tenant's door is not a permissible method of service under section 89(1) of the Act. Therefore, I declined to hear the landlord's monetary claims against the tenant. The landlord remains at liberty to file another Application for Dispute Resolution to seek monetary compensation against the tenant within the time limits established by the Act.

Where a landlord seeks an Order of Possession, the landlord must serve the tenant with the hearing package using one of the permissible methods provided under section 89(2) of the Act. Section 89(2) permits a landlord to serve the tenant with the hearing package by posting it on the door of the address at which the tenant resides at the time of posting. I am satisfied the landlord sufficiently served the tenant with the hearing documents for purposes of requesting an Order of Possession and I was prepared to hear that request during this hearing. However, the landlord stated the tenant has since

vacated or abandoned the rental unit and the landlord confirmed that the owner has already taken possession of the unit. As such, I found the landlord no longer requires an Order of Possession and I do not provide one with this decision.

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: May 27, 2014

Residential Tenancy Branch

