



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act).

The landlord attended the conference call hearing. The tenant did not. The landlord testified that the tenant still resides in the unit. The landlord testified that they did not serve the tenants with the Notice of Hearing for this matter by any means, as they were not aware of this essential requirement, although duly provided with this instruction.

Section 89 of the Act states as follows: as provided to the applicant

Special rules for certain documents

89 (2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

As the tenants were not served with notice of this hearing I **must dismiss** the landlord's application. As none of the potential merits of this application were heard and the tenants were not notified of the landlord's application, I do so with leave to reapply.

Conclusion

The landlord's application **is 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 22, 2014

Residential Tenancy Branch

