



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPL, OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order and to recover the filing fee from the tenant.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were posted to the door of the rental unit on June 16, 2014.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

However, as the above documents were served by posting to the door, Section 89(2) of the Act only allows the application for an order of possession to proceed. The Act does not allow a monetary order to be granted when documents are served by posting to the door. Therefore, I dismiss the landlord's application for a monetary order with leave to reapply.

Preliminary matter

At the outset of the hearing the landlord stated the tenant vacated the rental property and an order of possession is no longer required. As result, I find there are no issues to be decided at today's hearing.

Conclusion

The landlord's application was served by posting to the door. The landlord's application for a monetary order is dismissed with leave to reapply.

The tenant has vacated the rental unit and the landlord does not require an order of possession.

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 30, 2014

Residential Tenancy Branch

