



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NPR LIMITED PARTNERSHIP  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPB, MNSD, MNDC, FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession based on the tenant's written Notice to end tenancy. The landlord is also seeking monetary compensation for rent owed.

### **Preliminary Matter**

At the outset of the hearing the landlord testified that they had served the tenant the hearing package by posting it to the tenant's door.

Sections 88 and 89 of the Act determine the method of service for documents. The landlord has applied for an Order of Possession which requires that the landlord serve the tenant as set out under Section 88(1) of the Act. Posting the documents is an acceptable method of service under section 88, when the landlord is only seeking an Order of Possession.

However, the landlord is also seeking a Monetary Order under section 38 and 67 of the Act which requires that the landlord serve the tenant as set out under Section 89(1). This requires service in one of the following ways:

- (a) **by leaving a copy with the person, (personal service);**
- (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*].

Given the above, I find that the landlord served the documents relating to their request for an Order of Possession, in compliance with the Act. I find that the documents were not served in compliance with the Act for the portion of the landlord's application requesting the monetary compensation.

Therefore, the hearing today will only proceed with respect to the issue of the order of possession.

Having found that the landlord has failed to prove adequate service of the Notice of Hearing and Application for Dispute Resolution relating to the monetary claim, I have determined that this portion of the landlord's application must be dismissed with leave to reapply.

### **Issue(s) to be Decided**

- Is the landlord entitled to an Order of Possession based on the tenant's Notice to End Tenancy effective June 30, 2014?

### **Background and Evidence**

The tenancy began on June 1, 2012. The landlord testified that they received a written notice from one of the cotenants stating that the tenancy would be ending and they would move out effective June 30, 2014 containing the tenant's intent to vacate. A copy of the tenant's notice is in evidence.

The landlord testified that, despite the Notice, the occupants have refused to vacate the rental unit. The landlord seeks an immediate Order of Possession based on the tenant's notice.

### **Analysis**

Based on the evidence and the testimony of the landlord, I find that the tenant signed a Notice in writing to vacate the unit and turn over possession to the landlord effective June 30, 2014. I find the tenant's notice valid and enforceable under section 45 of the Act.

Based on the above facts I find that the landlord is entitled to an Order of Possession under the Act founded on the tenant's written Notice to vacate.

I hereby issue an Order of Possession in favour of the landlord effective two days after the order is served on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to be reimbursed the \$50.00 cost of this application and hereby order that the landlord retain this amount from the tenant's security deposit being held in trust.

**Conclusion**

The landlord is partly successful in the application and is granted an Order of Possession. The remainder of the landlord's application, consisting of a request for monetary compensation, 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: September 04, 2014

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Residential Tenancy Branch

