



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord, filed on August 12, 2014, in which the applicant seeks an Order of Possession based on a Ten Day Notice to End Tenancy for Unpaid Rent and a monetary order against the tenant for rental arrears.

Only the applicant landlord appeared.

### **Preliminary Matter**

The landlord testified that they served the tenant with the Notice of Hearing by leaving it with the tenant's next door neighbour who agreed to give the package to the tenant. The landlord testified that the tenant was avoiding service by not answering the door.

The landlord pointed out that the landlord did confirm that the tenant received the package by texting the tenant regarding the documents served on the neighbour to give to the tenant.

Section 89 of the Act states that an application for dispute resolution must be given to one party by another, in one of the following ways:

- (a) by leaving a copy with the person;
- (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;

In this instance, I find that the applicant landlord did not comply with the Act in regard to the required methods of service.

Based on the above, I find that this matter cannot proceed because of insufficient proof that the tenant was properly served with the Notice of Hearing in accordance with the Act.

Therefore I dismiss the landlord's application with **leave to reapply.**

### **Conclusion**

The landlord's application is dismissed with leave as the matter could not proceed due to insufficient proof that the respondent was properly served in accordance with the Act.

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: October 08, 2014

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Residential Tenancy Branch

