



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent; for a Monetary Order for unpaid rent; and to recover the filing fee from the tenant for the cost of this application.

The landlord declared that he served the hearing documents to the tenant, by posting them to the door of the rental unit on February 16, 2015. The landlord has provided no documentary evidence for this hearing including a copy of the 10 Day Notice to End Tenancy for unpaid rent or utilities.

The tenant did not attend the conference call.

Section 89 of the *Act* provides ways in which an applicant must serve the respondent with their application for Dispute Resolution and states:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given 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;

(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*].

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As the landlord has failed to serve the tenant in accordance with section 89 of the *Act*, I am unable to determine that the tenant has been properly served.

Furthermore, the landlord has not provided a copy of the 10 Day Notice to End Tenancy in documentary evidence. The landlord stated that this was provided to the Residential Tenancy Branch; however, I have no evidence before me to support this. Consequently, I am unable to determine that a legal and valid Notice was served to the tenant. Due to the above I am unable to proceed with the hearing today and I must dismiss the landlord's application 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: March 11, 2015

Residential Tenancy Branch

