



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding T & E HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction and Preliminary Matter

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein the Landlord sought an Order of Possession based on unpaid rent, a Monetary Order for unpaid rent, to retain the security deposit and recover the filing fee.

Only the Landlord's agent, P.T. appeared.

As the Tenant was not present, service of the Landlord's Application Materials was considered. P.T. testified that he served the Tenant the Application Materials by posting to the Tenant's door.

Section 89(1) of the *Residential Tenancy Act* provides that an application for dispute resolution must be given by personal service, registered mail to the address at which the person resides, registered mail to a forwarding address provided by the Tenant; or as ordered by the director.

There was no evidence that the Director made an Order permitting the Landlord to serve the Tenant by posting to the Door.

As the Landlord failed to prove the Tenant was served pursuant to section 89, his application is dismissed with leave to reapply.

Additionally, the Landlord is cautioned to use the appropriate form when applying for dispute resolution.

Conclusion

The Landlord failed to prove service of the Application materials. 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: April 22, 2015

Residential Tenancy Branch

