



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

The landlord applies for an order of possession and a monetary award for unpaid rent.

The tenant did not attend the hearing.

Issue(s) to be Decided

Has the tenant been duly served with the application. If so, does the relevant evidence tendered at the hearing show that the landlord is entitled to any of the relief claimed?

Background and Evidence

The rental unit is a one bedroom “plus den” basement suite. The upper portion of the home is rented to others. The tenancy started August 1, 2014. The monthly rent is \$550.00, due on the first of each month, in advance. The landlord holds a \$275.00 security deposit.

The landlord’s representative Ms. S.K.G. testifies that on April 19, 2015 she served the tenant with a ten day Notice to End Tenancy for unpaid rent by posting the Notice on the tenant’s door.

She served a second ten day Notice for unpaid May rent by posting it on the tenant’s door on May 6, 2015.

The tenant has not paid any money.

Ms. S.K.G. testifies that she served the tenant with the application for dispute resolution and notice of hearing documents by posting them on the tenant’s door on May 15th, witnessed by Ms. A.K.P.

Analysis

Section 89(2) of the *Residential Tenancy Act* (the “*Act*”) provides that an application for an order of possession may be served by posting it on the tenant’s door. However, s. 89(1), dealing with application for a monetary award or other application, does not permit service of an application of that nature by attaching it to the tenant’s door.

In result, that portion of the landlord’s application seeking an order of possession has been duly served but that portion seeking a monetary award against the tenant has not been duly served.

The uncontested evidence shows that the tenant has not paid any rent money within the five day period following service of either Notice. As a result, by operation of s. 46 of the *Act* this tenancy ended on May 3, 2015 and the landlord is entitled to an order of possession.

The landlord’s application for a monetary award for unpaid rent must be dismissed for lack of service, with leave to re-apply.

Conclusion

The landlord will have an order of possession. I grant the landlord recovery of the \$50.00 filing fee and authorize her to recover it from the security deposit in full satisfaction.

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: June 30, 2015

Residential Tenancy Branch

