



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the "Act"), for an order of possession, for a monetary order for unpaid rent, for an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee from the tenant.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were posted to the door on of the rental unit on April 19, 2015.

Section 90 of the Act determines that a document served in this manner is deemed to have been served three days later. I find that the tenant has been duly served in accordance with the Act.

However, when a document has been served by posting to the door, section 89(2) of the Act only allows an application filed under section 55 of the Act to be considered. All other matters must be served by a method described in section 89(1) of the Act.

### Preliminary matter

At the outset of the hearing the landlord indicated that they received an order of possession at an earlier hearing and the tenant has vacated the rental premises. The landlord no longer requires an order of possession.

Therefore, as the documents were served in a method that only allows an application pursuant to section 55 to be heard, I find there are no further issue for me to consider at today's hearing. Therefore, the balance of the landlord's application is dismissed with leave to reapply.

Conclusion

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: June 04, 2015

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Residential Tenancy Branch

