



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for cause and unpaid rent pursuant to section 55;
- a monetary order for unpaid rent, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 0947 in order to enable the tenant to connect with this teleconference hearing scheduled for 0930. The landlord's agent attended the hearing.

Preliminary Issue – Scope of Hearing

At the commencement of the hearing, the agent informed me that the tenant vacated the rental unit on or about 31 July 2015. I asked the agent if he still required the order of possession. The agent informed me that he did not. As no order of possession is required, I amend the landlord's application to withdraw the claims for an order of possession for unpaid rent and an order of possession for cause.

Preliminary Issue – Service of Dispute Resolution Package

The agent testified that he served the tenant with the dispute resolution package on 2 July 2015 by delivering the package to an adult who apparently resides with the tenant. The tenant did not appear.

The agent testified that there are multiple tenants; however, the tenant is the only named respondent to this application.

Service of the dispute resolution package in an application such as the landlord's amended application must be carried out in accordance with section 89(1) of the Act:

An application for dispute resolution .., 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; ...
- (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;

Serving the dispute resolution package to the tenant by leaving it with an adult occupant does not meet the service requirements of subsection 89(1) of the act. As the tenant was not served with the dispute resolution package in accordance with the Act and the tenant did not appear, I informed the agent at the hearing that landlord's application was dismissed with leave to reapply.

Leave to reapply is not an extension of any applicable time limit. I informed the agent at the hearing that the limitation period for this claim is two years from the end of the tenancy.

The landlord may find *Residential Tenancy Policy Guideline*, "12. Service Provisions" helpful in any subsequent application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: August 28, 2015

Residential Tenancy Branch

