



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPB, MNR, O, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting them on the door of the rental unit the same date that he picked up the documents from Service BC. The landlord could not recall what specific date that he served the tenant.

Section 89(1) of the *Act* states 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;
- (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].

Section 89(2) states an application by a landlord under section 55 [order of possession for the landlord], 56 [application for order ending tenancy early] or 56.1 [order of possession: tenancy frustrated] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].

Section 89(1) applies to all Applications for Dispute Resolution that include the applicant requesting a monetary order. Section 89(2) applies to Applications for Dispute Resolution where the applicant seeks **only** an order of possession.

As the landlord served the tenant with his hearing documents by posting them on the door of the rental unit I am able to proceed only with the portion of the landlord's Application for Dispute Resolution requesting an order of possession. As such, I amend the landlord's Application to exclude the request for a monetary order for unpaid rent. I note that the landlord remains at liberty to file a new Application for Dispute Resolution seeking a monetary order for unpaid rent subject to any limitations in the *Act*.

The landlord confirmed the tenant vacated the rental unit on August 20, 2015 and as such he no longer requires an order of possession.

#### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for breach of an agreement and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 44, 55, 67, and 72 of the *Act*.

#### Conclusion

As the tenant has vacated the rental unit and the landlord no longer needs an order of possession I dismiss the landlord's Application for Dispute Resolution in its entirety.

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: September 03, 2015

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Residential Tenancy Branch

