



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The landlord and the tenant called in and participated in the hearing. On February 1, 2016 the landlord sent a form of amendment to the Residential Tenancy Branch by fax; It was not filed as an amendment and it was simply received as a piece of evidence. The landlord served the application and the proposed amendment by posting them to the door of the rental unit.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is a coach house in Surrey. The landlord sold the rental property including the coach house to a new owner. The sale completed and the new owner received possession on February 18, 2016. The landlord testified that the tenant owes arrears or rent from December and failed to pay rent for January and February. He asked for an order of possession and a monetary order for unpaid rent.

The tenant testified that the applicant is no longer the owner of the property and therefore is not her landlord. She denied that she owes him rent. She said she paid January rent in cash. She said that the new owners have requested that she move out of the rental unit by the end of March.

Analysis

The landlord is no longer owner of the rental unit and he is therefore not entitled to an order for possession; the application for an order for possession is dismissed without leave to reapply.

With respect to the claim for a monetary award for unpaid rent, the landlord did not properly amend his claim to include a claim for unpaid rent. The landlord served the application by posting it to the door of the rental unit, however section 89 of the *Residential Tenancy Act* provides that an application seeking a monetary order may only be served on a tenant by personally serving the tenant with the application and Notice of Hearing or by sending it to the tenant by registered mail to the address where she resides. Because the application was not properly amended and not properly served, it is dismissed with leave to reapply.

Conclusion

The application for an order for possession is dismissed. The application for a monetary award 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: March 02, 2016

Residential Tenancy Branch

