



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPB FF

### **Introduction:**

Both parties attended the hearing. The landlord's agent said he served the Application for Dispute Resolution by posting it on the tenant's door and sliding it under the door. As discussed with the parties in the hearing, this is not a legal method of service according to section 89 of the Act. The landlord is applying pursuant to the *Residential Tenancy Act* (the Act) for an Order of Possession pursuant to Sections 44, and 55 as the tenant has breached a term of the fixed term tenancy by not vacating as agreed; and to recover the filing fee pursuant to Section 72.

### **Issue(s) to be Decided:**

Has the tenant been legally served with the Application for Dispute Resolution? Has the tenant breached a fixed term lease by not vacating as required? If so, is the landlord now entitled to an Order of Possession and to recover the filing fee?

### **Background and Evidence:**

Both parties attended and were given limited opportunity to be heard, to present evidence and to make submissions. The tenant claims that the lease evidence provided by the landlord for the hearing is not the same as her copy of the lease. Both parties were advised of the necessity for legal service of an Application and evidence according to section 89 of the Act and of the importance of submission of evidence.

### **Analysis and Conclusion:**

I dismiss the Application of the landlord 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: April 07, 2016

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Residential Tenancy Branch

