



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOUSING FOUNDATION OF BC  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

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

- an order of possession for unpaid rent, pursuant to section 55; and
- a monetary order for unpaid rent, pursuant to section 67.

The tenant did not attend this hearing, which lasted approximately 9 minutes. The landlord's agent, EZ ("landlord") attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord confirmed that she was the tenant relations specialist for the landlord company named in this application and that she had authority to speak on its behalf at this hearing.

### Preliminary Issue – Service of Landlord's Application

The landlord testified that the tenant was served with the landlord's application for dispute resolution hearing package ("Application") by way of registered mail on March 21, 2016. The landlord provided a Canada Post tracking number verbally during the hearing. She testified that the Application was returned back to the landlord.

The landlord testified that the tenant was served with the Application at the rental unit address. She stated that the landlord was aware that the tenant had abandoned the rental unit as of February 27, 2016, because the building manager entered the rental unit on that date.

### Analysis – Service of Landlord's Application

Section 89(1) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows (emphasis added):

*89 (1) 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** ...;*

*(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].*

I find that the landlord failed to provide sufficient evidence that the tenant was served with the landlord's Application at an address at which he resides, in accordance with section 89(1) of the *Act*. The tenant did not attend this hearing. The Application package was sent back to the landlord. The landlord knew that the tenant had already abandoned the rental unit when the Application was sent to him.

As the landlord failed to prove service in accordance with section 89(1) of the *Act*, I find that the tenant was not served with the landlord's Application. At the hearing, I advised the landlord that I was dismissing the landlord's entire Application with leave to reapply. I advised her that the landlord could apply for an order for substituted service under section 71 of the *Act*, if required.

### Conclusion

The landlord's entire 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: April 28, 2016