



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated March 4, 2016 and for a monetary award for unpaid rent and loss of rental income.

The tenant did not attend the hearing within twenty minutes after its scheduled start time nor did she file any material in opposition to the claims.

### Issue(s) to be Decided

Has the tenant been served with notice of this hearing? Has the tenancy ended entitling the landlord to an order of possession? Does the tenant owe rent?

### Background and Evidence

The rental unit is a one bedroom cottage located on the property containing the landlord's home. There is no signed tenancy agreement. The tenant move in in September 2014. The monthly rent is \$800.00, due on the first of each month. The landlord holds no deposit money.

The landlord testifies that on March 14, 2016, he, in the company of a Mr. J.B. attended at the rental unit to serve the application for dispute resolution and notice of hearing. Mr. J.P., an adult who lives in the rental unit with the tenant answered the door. He informed the landlord that the tenant was in the shower and could not come to the door. He accepted the documents for her.

The landlord testifies that previously, on March 4, 2016, he and Mr. J.B. attended and personally served the tenant with the ten day Notice in question.

He says the tenant has not paid any rent money since, but continues to occupy the rental unit.

### Analysis

The undisputed evidence establishes that the tenancy ended by operation of s. 46 of the *Residential Tenancy Act* (the “RTA”) and the ten day Notice to End Tenancy. It ended on March 15, 2016.

Under s. 89 of the RTA, an application for an order of possession may be served by leaving a copy of the application with an adult person who apparently resides in the rental unit. I find that Mr. J.P. fits that description and that the landlord’s application for an order of possession was duly served on the tenant by giving it to Mr. J.P.

Section 89 further provides that an application for a monetary award must be served on a tenant by either personal service or by registered mail. It does not permit service of an application for a monetary award by leaving the application documents with an adult apparently residing in the premises.

I find that the landlord’s application for a monetary award has not been served in accordance with law and cannot be dealt with at this hearing. The landlord is free to re-apply for a monetary award and I grant him any leave he might require in order to do so.

### Conclusion

This tenancy has ended. The landlord will have an order of possession.

I award him recovery of the \$100.00 filing fee for this application. He will have a monetary order against the tenant in that amount.

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 22, 2016

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Residential Tenancy Branch