



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, O

### Introduction

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

- an Order of Possession for cause, pursuant to section 55; and
- other unspecified remedies.

The tenant did not attend this hearing, which lasted approximately 9 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### 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") on May 6, 2016 by leaving a copy on a shelf inside the garage door of the tenant's rental unit. The landlord said that this was the way she usually serves the tenant with documents.

Section 89(2) of the *Act* outlines the methods of service for an application for dispute resolution, which reads in part as follows (emphasis added):

*(2) 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].*

I find that the landlord has failed to demonstrate that the tenant was served in accordance with section 89(2) of the *Act*. Leaving a copy of the Application on a shelf is not permitted under the *Act*. The tenant did not appear at this hearing to confirm that he received the Application.

During the hearing, I advised the landlord that I was unable to confirm service of her Application on the tenant and I was dismissing her Application with leave to reapply.

### Conclusion

The landlord's 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: June 06, 2016

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Residential Tenancy Branch