



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CITY OF VANCOUVER
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlords' application for an order of possession for cause pursuant to section 55 of the *Residential Tenancy Act* (the Act).

Preliminary Issue - Service

The tenant did not attend this hearing, although I waited until 1045 in order to enable the tenant to connect with this teleconference hearing scheduled for 1030. The individual landlord (the landlord) attended the hearing.

At the hearing the landlord testified that the landlords served the tenant with the dispute resolution package by registered mail on 29 June 2016. The landlord testified that the mailing was sent to the rental unit. The landlord testified that at this time, the tenant was no longer residing in the rental unit. To the landlords' knowledge, the tenant has not returned to the rental unit. The landlord testified that the tenant has not paid any amount towards rent for July or August. The landlord testified that he did not know whether or not the tenant had received the mailing.

Service of the dispute resolution package must be carried out in accordance with section 89 of the Act:

- (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;
 - (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
 - (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;...
- (2) An application by a landlord under section 55 [*order of possession for the landlord*], ... 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;...

[emphasis added]

For the rental unit to be an appropriate address for service, the tenant must have resided at the rental unit at the time the service occurred. I find, on a balance of probabilities, that the tenant did not reside at the rental unit at the time the landlords attempted service. Accordingly, I decline to proceed with this application, as the landlords have not served the tenant with the dispute resolution package in accordance with the Act.

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 subsection 9.1(1) of the Act.

Dated: August 10, 2016

Residential Tenancy Branch