



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LTE Ventures Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MND, MNDC, MNSD, O, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by two agents of the landlord.

The agents testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by leaving them in a mail slot of the dispute address on July 21, 2016.

Section 89 of the *Act* states an Application for Dispute Resolution 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 that 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; or
- e) As ordered by the director.

As the landlords served the tenant with their Application for Dispute Resolution and relevant documents by putting them through the mail slot at the dispute address, I find the landlords have failed to serve the tenant in a manner allowed under Section 89 of the *Act*.

In addition, as per the evidence and testimony submitted by the landlord's agents I find the tenant was not residing in the rental unit at the time of service. I recognize that the tenant had arranged for occupants to be living in the rental unit at the time the landlord served the documents however, the tenant did not live there at the time and has provided no forwarding address to the landlord. As such, I find the dispute address

could not, for the purposes of this Application, be used as a service address for hearing documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for damage to and cleaning of the rental unit; for a penalty for subletting or assigning the tenancy without the landlord's consent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 34, 37, 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

As the landlords have failed to serve the tenant with their hearing documents in accordance with Section 89 of the *Act*, I dismiss the landlord's Application for Dispute Resolution in its entirety with leave to reapply at a future date, pursuant to any limitations in the *Act*.

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: September 08, 2016

Residential Tenancy Branch