



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPR

### Introduction

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

- an order of possession for unpaid rent pursuant to section 55.

The tenant did not participate in the conference call hearing, which lasted approximately 15 minutes. The landlord's agent (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. The landlord confirmed she was an agent of the landlord's company named in this application, and had authority to speak on its behalf.

### Preliminary Issue – Service of Application

During the hearing the landlord testified that the tenant still had possessions in the rental unit but had entered rehabilitation in early August 2016.

The landlord testified that the tenant was served with the landlord's application for dispute resolution, on September 3, 2016, by way of posting to the rental unit door. Section 89 of the *Act* establishes that when a landlord serves an application for dispute resolution it must be served by leaving it directly with the tenant or by registered mail.

Based on the landlord's testimony that the application was posted to the door and in the absence of an application for substituted service, I find that the landlord has not served the application for dispute resolution to the tenant as required under the *Act*.

### Conclusion

The landlord's application for an order of possession in relation to the 10 Day Notice to End Tenancy dated July 11, 2016 is dismissed without 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: September 22, 2016

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Residential Tenancy Branch

