



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MND, MNSD, FF

### 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;
- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not participate in the conference call hearing, which lasted approximately 15 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. The landlord confirmed he was the owner operator of the landlord's company named in this application.

At the outset of the hearing the landlord testified that the tenant vacated the rental unit on April 27, 2016. Consequently, the landlord is no longer seeking an order of possession and this portion of the landlord's application is dismissed without leave to reapply.

### Preliminary Issue – Service of Application

The landlord testified that the tenant's adult son was personally served with the landlord's application for dispute resolution hearing package on May 10, 2016, at the forwarding address the tenant provided to the landlord. Section 89 of the *Act* establishes that when a landlord serves an application for dispute resolution in relation

to a monetary claim it must be served by leaving it directly with the tenant or by registered mail to a forwarding address provided by the tenant.

Based on the landlord's testimony that the application was personally served to the tenant's son 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 entire application 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 26, 2016

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Residential Tenancy Branch

