



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, OPR

Introduction

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

- an order of possession for landlord use and 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 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 Application

During the hearing the landlord testified that the tenant had vacated the rental unit by July 18, 2016. The tenant left some personal belongings and furniture in the rental unit and has not retrieved them to date.

The landlord testified that on August 12, 2016 he forwarded the landlord's application for dispute resolution package via registered mail to the rental unit.

As per section 89 of the *Act*, an application must be served personally, by registered mail or posting. Section 89 of the *Act* further establishes that documents served on tenants via registered mail must be sent to the place where the tenant resides. Based on the landlord's testimony of the tenant's vacancy in July 2016, prior to the service of documents on August 12, 2016 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

I dismiss the landlord's entire application with leave to re-apply.

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 23, 2016

Residential Tenancy Branch