



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Revelstoke Property Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

Tenant's Application made August 23, 2016: CNR; ERP; LRE; PSF; RR
Landlord's Application made September 6, 2016: MNR; OPR; MND; MNDC; FF

Introduction

This Hearing dealt with cross Applications for Dispute Resolution. The Tenant seeks to cancel a Notice to End Tenancy for unpaid rent; an Order for emergency repairs; an Order that the Landlord provide services or facilities required by law; an Order suspending or setting conditions on the Landlord's right to enter the rental unit; and for a rent reduction.

The Landlord seeks an Order of Possession; a monetary award for unpaid rent, damages, and compensation for damage or loss; and to recover the cost of the filing fee from the Tenant.

These matters were scheduled to be heard by teleconference on October 18, 2016, at 11:00 a.m. The Landlord's agents signed into the Hearing and were ready to proceed. The line remained open and was monitored for 20 minutes, however, the Tenant Applicant did not sign into the Hearing. Therefore the Tenant's Application is dismissed.

Issue(s) to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a monetary award?

Background and Evidence

The Tenant's Application indicates that she received the Notice to End Tenancy for Unpaid Rent on August 16, 2016. The Landlord's agents stated that the Notice of Hearing documents were posted to the Tenant's door on September 8, 2016.

Analysis

I dismissed the Tenant's application to cancel the Notice to End Tenancy. Under Section 55 of the Act, I must therefore grant the Landlord an Order of Possession.

Section 89 of the Act provides for methods of service of an application for dispute resolution. Service of the application, when it contains a request for a monetary award, must be served as follows:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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;
 - (e) as ordered by the director under section 71
- (1) *[director's orders: delivery and service of documents]*.

There is no provision for posting a copy of the application to a tenant's door, and therefore I find that there is insufficient proof of service. The Landlord's request for a monetary award is dismissed with leave to reapply. I decline to allow the Landlord's request for recovery of the cost of the filing fee.

Conclusion

The Tenant's Application is **dismissed without leave to reapply**.

The Landlord's Application for a monetary award is **dismissed with leave to reapply**.

I have dismissed the Tenant's Application and therefore pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: October 18, 2016

Residential Tenancy Branch