



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, MNR, MNSD, FF

Introduction

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

- an Order of Possession for cause pursuant to section 55;
- a monetary order for unpaid rent and damages pursuant to section 67;
- authorization to retain the security deposit pursuant to section 38; and
- authorization to recover the filing fees for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 15 minutes. The landlords attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord TB primarily spoke for both landlords (the "landlord").

At the outset of the hearing the landlord testified that the tenant is no longer residing in the rental unit and therefore the landlords are not seeking an Order of Possession. The portion of the landlords' application for an Order of Possession is withdrawn.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Analysis – Service of Landlord's Application

The landlord testified that she served the landlord's application for dispute resolution on March 3, 2017 by posting the application on the rental unit door.

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

89(1) An application for dispute resolution,...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 document]...*

The landlords posted the application for dispute resolution on the tenant's rental unit door, which is not a method allowed by section 89(1) of the *Act*. Consequently, I cannot find that the tenant was properly served with the application for dispute resolution.

Conclusion

The landlords' application for an Order of Possession is withdrawn.

I dismiss the remainder of the landlords' application with 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: April 6, 2017

Residential Tenancy Branch