



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes          OPC, MNR, FF

### Introduction

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

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. .

At the outset of the hearing the landlord testified that the tenant vacated the rental unit on May 31, 2017 and an Order of Possession is no longer sought. The landlord withdrew this portion of their application.

The landlord testified that she served the landlord's application for dispute resolution dated May 17, 2017 (the "landlord's application") on the same date by posting a copy on the tenant's rental unit door.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Analysis-Service of Landlord's Application

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]...*

Posting on the rental unit door is not an accepted manner of service for an application for dispute resolution. The tenant has not been served by the landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the tenant was properly served with the application for dispute resolution.

Conclusion

The landlord's application for an Order of Possession is withdrawn.

I dismiss the remainder of the landlord's 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: July 11, 2017

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Residential Tenancy Branch