



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR FF

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on September 8, 2017. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- to recover the filing fee from the tenant for the cost of this application.

The Tenant did not attend the hearing. The Landlord attended the hearing and stated that the Notice of Hearing along with supporting documentary evidence was sent to the Tenant by registered mail on August 3, 2017. The Landlord stated that the package was sent to the rental unit in question. However, the Landlord also stated that he was aware that she had already vacated the rental unit at the end of July 2017. The Landlord also stated that he sent the Notice of Hearing package by registered mail to the Tenants place of work, where it was signed for by another individual.

As discussed during the hearing, I do not find either of these methods of service are sufficient to ensure the Tenant received the package. In consideration of section 89 of the *Act*, serving evidence to a place of work is not an acceptable method and I find there is no evidence that the person who signed for the package at her place of work actually gave it to the Tenant. Further, given that the Landlord served the Notice of Hearing to a place where the Tenant no longer lived, I am not satisfied that the Landlord served the Tenant at a place where she currently resides.

As the Notice of Hearing has not been sufficiently served for the purposes of this *Act*, I dismiss the Landlord's application in full, with leave to reapply.

Conclusion

I dismiss the Landlord's application in full, 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: September 08, 2017

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Residential Tenancy Branch