



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") seeking an order of possession based on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), for a monetary order of \$4,800.00 for unpaid rent, and to recover the cost of the filing fee.

The landlord attended the teleconference hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The landlord testified that the tenant vacated the rental unit on November 10, 2017 and that she put the Notice of Hearing and application in the tenant's mailbox which I find the same as posting to the tenant's door. Section 89(1) of the *Act* does not allow for service of monetary claims by posting to the door and as a result, I find the landlord has not served the Notice of Hearing or application in a method provided for under the *Act*.

Both parties have a right to a fair hearing and the tenant must be served with the Notice of Hearing and application in an approved method under the *Act*. Therefore, I **dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

I note that the landlord no longer requires an order of possession as the tenant has vacated the rental unit.

I do not grant the recovery of the cost of the filing fee due to the service issue.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: January 19, 2018

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Residential Tenancy Branch