



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, MNSD, FF

This hearing was convened in response to an application made June 19, 2018 by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to retain the security deposit - Section 38;
4. A Monetary Order for damages to the unit - Section 67; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant, a numbered company, did not attend the hearing. The Landlord states that the unit is empty and that the Landlord does not require an order of possession. The Landlord states that the application for dispute resolution and notice of hearing was mailed to the address of a director of the numbered company. The Landlord confirms that the address that the application was sent to is not the residence of the numbered company or the tenancy address where the numbered company was residing. It is noted that the Landlord did not obtain an order for substituted service to the address of the numbered company.

Section 89(2) of the Act provides that an application for dispute resolution by a landlord claiming an order of possession must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;

- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;
- (e) as ordered by the director under section 71 (1) *[director's orders: delivery and service of documents]*.

As the Landlord did not serve the Tenant in any of the above ways I find that the Landlord did not serve the Tenant as required under the Act. I therefore dismiss the application for dispute resolution 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 Act.

Dated: August 14, 2018

Residential Tenancy Branch