



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNDCL, FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for 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 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The landlord and a witness for the landlord attended the teleconference hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), amended application and documentary evidence was considered. The landlord testified that her amended application dated October 11, 2018 was posted to the tenants' door.

The landlord testified that the tenants vacated the rental unit on October 19, 2018 and as a result, the landlord no longer requires an order of possession.

### Preliminary and Procedural Matters

Section 89(1) of the *Act* does not allow for service of the Application for Dispute Resolution by posting to the tenants' door. Therefore, I find that the tenants have not been served in a method approved under the *Act*.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and application in an approved method permitted under the *Act*. Therefore, **I dismiss** the landlord's application **with leave to reapply** as I am not satisfied the tenants have been served with the Notice of Hearing and amended application in a method approved under the *Act*. I note this decision does not extend any applicable time limits under the *Act*.

This decision will be sent by email to the email addresses for the landlord and tenants included in the application.

The filing fee is not granted 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*.

I do not grant the filing fee due to a service issue.

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: November 6, 2018

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Residential Tenancy Branch