



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-DR

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

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

This matter was scheduled on this date as a result of a decision made by an Adjudicator that directed this matter should be addressed by way of participatory hearing. The landlord participated in the teleconference, the tenant did not.

### Preliminary issue – Service of Notice of Hearing Documents

The landlord testified that on September 2, 2019 the tenant was ordered by the Provincial Court not to attend on the property until her criminal charges are resolved. The landlord advised that the tenant has not lived on the property since September 2, 2019. The landlord served the Notice of Hearing Document for this hearing on September 10, 2019 by leaving it hanging on the suite door in a plastic bag.

Section 89 of the *Act* addresses the issue before me as follows:

### **Special rules for certain documents**

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 documents*].

The means by which the landlord served the tenant notice of this hearing is not an approved method as noted above. As the landlord has failed to serve the tenant in accordance with section 89 of the Act; I dismiss their application with leave to reapply.

### Conclusion

The landlord's application is dismissed 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: November 01, 2019

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Residential Tenancy Branch