



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction and Preliminary Matter

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (Act). The landlord applied for an order of possession of the rental unit pursuant to a One Month Notice to End Tenancy for Cause (Notice) and recovery of the filing fee.

The landlord and his witness attended; the tenant did not attend the telephone conference call hearing.

In response to my inquiry, the landlord informed me that he served the tenant with his application and notice of hearing by regular Canada Post mail.

Analysis and Conclusion

Section 89(1) of the Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving a copy with the person, by sending a copy by registered mail to the address at which the person resides or their forwarding address, if a tenant.

Section 89(2) of the Act, when a landlord requests an order of possession, as is the case here, the landlord may additionally serve the tenant, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant, or by attaching a copy to a door or other conspicuous place at the address at which the tenant resides.

In the case before me I find that the landlord failed to provide sufficient evidence that he served his application in a manner complying with the Act as regular Canada Post mail is not an authorized method of service.

I therefore find the landlord submitted insufficient evidence that he served the tenant his application for dispute resolution and notice of this hearing in a manner required by the Act.

I therefore dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: March 9, 2020

Residential Tenancy Branch