



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPU, MNRL, FFL

### Introduction

This hearing was convened by way of conference call concerning an application made by the landlord seeking an order of possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application.

The landlord and the tenant attended the hearing, and the landlord was accompanied by the landlord's son to assist with interpreting.

At the commencement of the hearing, the tenant submitted that the landlord served the Notice of Dispute Resolution Proceeding by posting it to the door of the rental unit but a page was missing. The landlord submitted that the documents were served in that manner, which included a copy of a 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, but no other evidence. The Residential Tenancy Act states:

**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*];

(f) by any other means of service provided for in the regulations.

(2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] 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*];

(f) by any other means of service provided for in the regulations.

A party may not serve a Notice of Dispute Resolution Proceeding by posting it to the door of the rental unit unless the landlord only claims an order of possession. I advised the parties that since the landlord has also claimed a monetary order, I would not hear that portion of the landlord's application, and I dismiss it with leave to reapply.

The tenant also submitted that no evidence could be provided to the landlord because the tenant has no address for service and none is contained in the tenancy agreement. The landlord orally provided an address for service during the hearing, and the tenant now has it.

During the course of the hearing the parties agreed to settle the application for an order of possession. The landlord will have an order of possession effective at 1:00 p.m. on February 28, 2024. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of the settlement. Therefore, I grant the order of possession in favour of the landlord effective at 1:00 p.m. on February 28, 2024. The tenant must be served with the order of

possession, which may be filed in the Supreme Court of British Columbia for enforcement.

Since the parties have settled the dispute, I decline to order that the landlord recover the filing fee from the tenant.

### Conclusion

For the reasons set out above, and by consent, I hereby grant an order of possession in favour of the landlord effective at 1:00 p.m. on February 28, 2024.

The landlord's application for a monetary order for unpaid rent or utilities is hereby dismissed with leave to reapply.

The landlord's application for an order recovering the filing fee from the tenant is hereby dismissed without 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: January 26, 2024

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Residential Tenancy Branch