



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the application and Notice of Hearing by posting it to the rental unit door on or about December 14, 2009. The Landlord said he discovered that the Tenant had moved out 4 days later because the documents had not been removed from the rental unit door. As the tenancy has ended, the Landlord's application for an Order of Possession is dismissed without leave to reapply.

Section 89(1) of the Act says that an application for a monetary order must be served in person or by registered mail. I find that the Tenant was not served with the Landlord's hearing package as required by the Act and as a result, his application for unpaid rent is dismissed with leave to reapply. The Landlord's application to recover the filing fee for this proceeding is dismissed without leave to reapply.

Conclusion

The Landlord's application for an Order of Possession and to recover the filing fee for this proceeding is dismissed without leave to reapply. The Landlord's application for a unpaid rent 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: January 12, 2010.

Dispute Resolution Officer