

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's application pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy, an Order of Possession and for authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Service of Landlord's Application

The landlord testified that he served the tenant with a copy of the application for an order ending this tenancy early by handing it to one of the people who is presently living in this rental unit on February 3, 2011. He testified that the tenant moved out of the rental unit over two months earlier, leaving it to some other men who have no tenancy agreement with the landlord. He said that the man he gave the notice to end this tenancy to ripped up the notice and threw it on the ground.

Analysis – Service of Landlord's Application

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89 (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].

Although the landlord handed the application to an adult who resides at the rental premises, he testified that this person does not reside with the tenant. There appears to be no contractual relationship under the *Act* between the landlord and the person who he gave the notice to end this tenancy early to on February 3, 2011. The landlord does not know the present whereabouts of the tenant.

The landlord has not served the tenant in a manner required by section 89(2) of the *Act*. I am not satisfied that the tenant was properly served with the landlord's application.

Based on the information provided by the landlord, it would appear that the tenant abandoned this rental unit more than one month ago. Under these circumstances, the landlord may wish to explore his options for obtaining access to this abandoned rental unit pursuant to the *Act*.

Conclusion

I dismiss the landlord's application 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*.