Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR MND MNR MNSD O

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, for damage to the unit, site or property, to keep all or part of the tenant's security deposit, and "other".

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") was considered. The landlord testified that the Notice of Hearing and Application was posted to the tenant's door on Jun 1, 2014. Section 89(1) of the *Act*, does not provide for service on the respondent by posting to the respondent's door for monetary claims. As a result, **I find** the respondent tenant was not served in a method provided for under the *Act.*

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act.*

In addition to the above, I note the landlord testified that the tenant vacated the rental unit on July 8, 2014, and was withdrawing his application for an order of possession as a result.

Conclusion

The landlord's application is dismissed with leave to reapply, due to a service issue.

This decision does not extend any applicable time limits under the *Act.*

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 17, 2014

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Residential Tenancy Branch