



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on October 30, 2017. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- to recover the filing fee from the tenant for the cost of this application.

The Tenant did not attend the hearing. The Landlord attended the hearing and stated that she served the Application Package to the Tenant by leaving it on the kitchen table of the rental unit on September 13, 2017. However, the Landlord also stated that she was aware that the Tenant had already vacated the rental unit at that point.

As discussed during the hearing, I do not find this method of service is sufficient to ensure the Tenant received the Application Package. Given that the Landlord served the Application Package to a place where the Tenant no longer lived, I find it has not been sufficiently served for the purposes of this *Act*. As such, I dismiss the Landlord's application in full, with leave to reapply.

Conclusion

I dismiss the Landlord's application in full, 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: October 30, 2017

Residential Tenancy Branch