



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter was set to deal with an application by the landlord for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent. At the outset of the hearing the landlord confirmed that the tenants have abandoned the rental unit and therefore she withdraws her application for an Order of Possession.

This matter was originally scheduled for a Direct Request Proceeding however, the landlord had not submitted sufficient evidence to support this proceeding and it was rescheduled for a participatory hearing on today's date. The applicant was provided with hearing letters which were to be served on the respondents informing them of the new date and time of the participatory hearing. At the beginning of the hearing the landlord informed me that the tenants had moved from the rental unit on or about October 01, 2009. On October 10, 2009 the landlord served the tenants with the notice of this hearing at the dispute address. I find that as the tenants had already moved from the dispute address by this time that the landlord has failed to serve them with the Notice of this hearing pursuant to section 89 of the *Residential Tenancy Act*.

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the respondents received the hearing documents in accordance with the *Act*, I dismiss the landlord's application with leave to reapply.



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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: November 18, 2009.

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Dispute Resolution Officer