

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD and FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on January 12, 2010. The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

This matter was originally dealt with as a Direct Request Proceeding on February 8, 2010 on written submission only, but was adjourned to the present participatory hearing to clarify the tenant's promise to vacate the rental.

At the present hearing, the tenant did not appear and the landlord advised that she had vacated the rental unit on February 12, 2010, before the landlord had received the decision of February 8, 2010 and the tenant had refused to provide a forwarding address. As a result, the landlord was unable to serve the tenant with notice of the reconvened hearing.

Therefore, I must dismiss the application with leave to reapply.

If landlord obtains a current address for the tenant, she remains at liberty to make application for the unpaid and loss of rent and any damages as may have been ascertained at the conclusion of the tenancy. Such application must be made within two years of the end of the tenancy.

March 24, 2010