

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is the Landlord's application for an Order of Possession; Monetary Order for unpaid rent and loss of rent; and to recover the cost of the filing fee from the Tenants.

Preliminary Issues

This matter was originally scheduled to be conducted by way of a Direct Request Proceeding on May 17, 2010, pursuant to the provisions of Section 55(4) of the Residential Tenancy Act. The Dispute Resolution Officer determined that the Landlord had provided insufficient evidence with respect to service of the Notice of Direct Request Proceeding upon the Tenants, and ordered that the matter be rescheduled for a participatory hearing. The Dispute Resolution Officer ordered the Landlord to serve the Tenants with Notices of Reconvened Hearing within 3 days of receipt of his Decision.

At the outset of the Reconvened Hearing, the Landlord testified that the Tenants had moved out of the rental unit on July 2, 2010. When I asked the Landlord how he had provided the Tenants with the Notices of Reconvened Hearing, he replied that he had not done so. He stated that he was so upset with the previous Dispute Resolution Officer's Decision that he ripped up the Decision and was not aware he was supposed to serve the Tenants. The Landlord stated that he didn't know where the Tenants lived.

The Landlord has not served the Tenants with the Notices of Reconvened Hearing, and therefore, the Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application is dismissed 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: July 22, 2010.

Dispute Resolution Officer