

DECISION

Dispute Codes OPR MNR FF

Introduction

This was a reconvened hearing which dealt with an Application for Dispute Resolution by the Landlord seeking an Order for Possession and a Monetary Order for unpaid rent, and recovery of the filing fee. The Landlord originally applied through the direct request process which, upon review, was scheduled for a conference call hearing in accordance with section 74 of the *Residential Tenancy Act*.

Issues(s) to be Decided

Is the Landlord entitled to an Order of Possession under section 55 of the *Residential Tenancy Act*?

Is the Landlord entitled to a Monetary Order under section 67 of the *Residential Tenancy Act*?

Background and Evidence

The Landlord appeared at the hearing and advised that he was not able to serve the Tenants with a copy of the interim decision and notice of reconvened hearing because the Tenants had vacated the rental unit, prior to his receipt of the information, and they did not provide him with a forwarding address.

Analysis

The evidence supports the Landlord was not able to serve each Tenant with notice of today's hearing as required under section 89 of the 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. As service of documents has not been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I decline to award recovery of the filing fee.

Conclusion

I HEREBY DISMISS the Landlord's claim, 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: August 26, 2010.

Dispute Resolution Officer