



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, OPR

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

This matter was originally submitted as a Direct Request but due to some questions of the original Dispute Resolution Officer it was adjourned to be reconvened as a participatory hearing. The documents were sent to the landlord on August 1, 2010 to be served on the tenant for this hearing.

The agent testified that because the notice of the reconvened arrived after the tenant moved out on July 31, 2010 they were unable to serve the tenant with the notice of the reconvened hearing. I therefore find the tenant has not been served in accordance with the *Residential Tenancy Act (Act)*.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; pursuant to sections 46, 55, 67, and 72 of the *Act*.

Conclusion

As the landlord has acknowledged the tenant has not been served with notice of the hearing and as it is because the tenant failed to provide a forwarding address, I dismiss the landlord's application with leave to reapply should a service address be found for the tenant at a future date.

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: September 20, 2010.

Dispute Resolution Officer