



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

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

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to apply the security deposit towards its monetary award.; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

### **Preliminary Matters**

The Landlord's agent testified that she mailed the Notice of Hearing documents, by registered mail, to the Tenant at the rental unit on February 16, 2011.

The Landlord's agent testified that the Tenant moved out of the rental unit on February 15, 2011, and that a move-out inspection was conducted on February 16, 2010.

Therefore, the Landlord's application for an Order of Possession is dismissed, as the tenancy has ended and the Landlord has taken back possession of the rental unit.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. The Tenant did not reside at the rental unit after February 15, 2011, and therefore the Landlord has not provided proof that the Tenant was served with the Notice of Hearing documents. Therefore, I dismiss the Landlord's application with leave to reapply.

### **Conclusion**

The Landlord's application for an Order of Possession is dismissed.

The remainder of 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: March 04, 2011.

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