



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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; to apply the security deposit towards its monetary award; and to recover the cost of the filing fee from the Tenants.

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, in one envelope to both of the Tenants at the rental unit on July 28, 2011.

The Landlord's agent testified that the Tenants moved out of the rental unit on August 3, 2011, without leaving a forwarding address. Therefore, the Landlord's application for an Order of Possession is dismissed as it is no longer required.

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. Section 90 of the Act deems service in this manner to be affected 5 days after mailing the document. However, the Landlord did not provide each Tenant with a copy of the Notice of Hearing documents in separate envelopes and therefore it is not possible to ascertain which of the two Tenants was deemed served with the Notice of Hearing documents.

This matter was scheduled to be held by telephone conference at 9:00 a.m. on August 24, 2010. The telephone conference remained open until 9:13 a.m. but neither of the

Tenants signed into the Hearing. 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: August 24, 2011.

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Residential Tenancy Branch