



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by registered mail on August 3, 2011. The Landlord said she then signed for this mail and posted it on the rental unit door. The Landlord said she later discovered that the Tenant had abandoned the rental unit on or about July 27, 2011 and she admitted that the Tenant would not have received the hearing package. In the circumstances, I find that the Tenant was not served with the Landlord’s hearing package as required by s. 89 of the Act. As the tenancy has ended, the Landlord’s application for an Order of Possession is dismissed without leave to reapply, however her application to recover unpaid rent is dismissed with leave to reapply.

Conclusion

The Landlord’s applications for an Order of Possession and to recover the filing fee for this proceeding are dismissed without leave to reapply. The Landlord’s application for a Monetary Order for unpaid rent 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 30, 2011.

Residential Tenancy Branch