



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

The agent for the landlord provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail at the address noted on the Application. A Canada Post tracking number was provided as evidence of service made on August 18, 2011.

The landlord testified that the tenant has not lived at the rental unit for the past 2 years; the he resides in Toronto. The unit has been occupied by another individual, who has been paying rent directly to the landlord. The landlord believes the unit has been vacated.

I determined that the individual named on the application as the tenant may not be the tenant. This person has not lived at the rental unit for 2 years; there is no sub-let agreement between the respondent and landlord. Therefore, in the absence of evidence that the respondent is the tenant and, in the absence of evidence of service to an address where the respondent resides, I find that this application is dismissed with leave to reapply.

The landlord was encouraged to consider the status of the person who has been paying rent and I suggested he contact the Residential Tenancy Branch to speak with an Information Officer for advice.

The landlord is at liberty to serve the individual who they believe to be the tenant and a finding may be made at a future hearing as to the status of the respondent named.

Conclusion

The 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: September 16, 2011.

Residential Tenancy Branch