



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      O  
OPR, MNR, FF

### Introduction

This matter deal with an application by the Tenant for an Order authorizing her to end a fixed term tenancy early on the grounds that the Landlord(s) made misrepresentations about the rental property. The corporate Landlord applied for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding.

Tenant said she served copies of her Application and Notice of Hearing (the “hearing package”) on the corporate Landlord, its agent, M.B., and the property owner, B.S., by leaving them at the business office of the corporate Landlord on September 9, 2011. The Landlord, M.B., said on September 27, 2011 he served the Tenant with the Landlord’s hearing package by posting it on the rental unit door.

The Landlord, B.S. provided written submissions dated September 27, 2011 in which she said she believed the Tenant vacated the rental unit on September 24, 2011. The Tenant said she vacated the rental unit on September 26, 2011. In the circumstances, I find that the Landlord’s hearing package was not served on the Tenant as required by s. 89 of the Act.

### Conclusion

As the tenancy has ended, 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. For similar reasons, the Tenant’s application is dismissed without leave to reapply, however she may rely on the allegation of misrepresentation as a defence in future proceedings. 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: October 03, 2011.

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Residential Tenancy Branch