



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:07 a.m. in order to enable the tenant to connect with this hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord entered written evidence that she handed the tenant a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on February 4, 2012. However, she withdrew her application for an end to this tenancy and an Order of Possession because the tenant vacated the rental premises on February 12, 2012. As this tenancy has ended, the landlord's application for an end to this tenancy and an Order of Possession is withdrawn.

At the commencement of the hearing, the landlord said that she has been unable to serve the tenant with a copy of her dispute resolution hearing package because the tenant abandoned the rental unit without giving her a forwarding address.

Analysis

Section 89 of the *Act* establishes Special rules for certain documents, which include an application for dispute resolution. The landlord has not served the tenant with notification of her application for dispute resolution in a manner required by section 89 of the *Act*. As I am not satisfied that the tenant was properly served with the landlord's application for dispute resolution, I cannot consider the landlord's application for a monetary Order.

Conclusion

The landlord's application for an end to this tenancy and an Order of Possession is withdrawn.

I dismiss the landlord's application for a monetary Order 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 06, 2012

Residential Tenancy Branch