



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

**OPR, MNR, MNSD, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord requested compensation for unpaid rent, an Order of Possession for Unpaid Rent, to retain the deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that the tenant vacated the rental unit prior to October 30, 2012. When the landlord went to the unit on October 30, 2012, the tenant had already vacated.

On October 26, 2012 the landlord served the tenant with the Notice of Hearing package; that registered mail was returned to the landlord by Canada Post.

As the tenant had vacated the unit prior to the end of October, 2012, I find that the registered mail cannot be deemed served to the tenant on the 5<sup>th</sup> day after mailing. As the tenant had vacated the unit; registered mail sent on October 26, 2012, would be deemed served on October 31, 2012; after the tenant had vacated.

Therefore, I find that the application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 29, 2012.

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Residential Tenancy Branch