



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing, but the tenant did not attend. The tenant has moved out of the rental unit and the landlord was unable to serve the tenant personally or by registered mail with the application for dispute resolution and Notice of Hearing. The landlord left copies of these documents at the rental unit and based on a text message received from the tenant he believes that the tenant did receive a copy.

### Conclusion

Unfortunately, in the absence of proof that the tenant was served with the hearing documents in accordance with the requirements of section 89 of the *Residential Tenancy Act*, I am unable to proceed with this hearing. The landlord's application is dismissed with leave to reapply. I told the landlord at the hearing that he may have to make inquiries to locate the tenant.

The landlord mentioned that there was a hearing on December 5, 2012 that was attended by the landlord and the tenant that resulted in a settlement agreement whereby the tenant agreed that he owed arrears of rent of \$4,650.00 as of the date of the hearing, plus the \$50.00 filing fee, but no monetary order was issued to give effect to the settlement agreement. The landlord could consider applying for a correction of the December 5<sup>th</sup> decision and request the issuance of the appropriate monetary order.

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: February 01, 2013

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Residential Tenancy Branch

