



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prospero Int'l Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to the landlords application for an Order of Possession for unpaid rent; for a Monetary Order for unpaid rent; for an Order permitting the landlord to keep all or part of the tenants security deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the tenants for the cost of this application.

The landlord's agent testifies that the tenants were served the hearing documents, by registered mail on June 13, 2013. The landlord's agent also testifies that he believes the female tenant abandoned the rental unit five weeks ago and the male tenant abandoned the rental unit four weeks ago.

Analysis

As it is likely that the tenants abandoned the rental unit prior to being served with the hearing documents I cannot rule that the tenants have been served in accordance with the Act. The landlord's agent testifies that as neither tenant has provided a forwarding address to the landlord the landlord's agent was unable to serve the tenants at their current addresses.

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the tenants were served with the hearing documents in accordance with the section 89 of the *Act*, I dismiss the Landlord's application with leave to reapply.

Conclusion

The landlord's application is hereby 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: July 11, 2013

Residential Tenancy Branch