



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MND, MNDC, MNSD, FF
CNR

Introduction / Background / Evidence

This hearing was scheduled in response to 2 applications: i) by the landlord for an order of possession for unpaid rent or utilities / a monetary order as compensation for unpaid rent or utilities / compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of all or part of the security deposit or pet damage deposit(s) / and recovery of the filing fee; and ii) by the tenant for cancellation of a notice to end tenancy for unpaid rent or utilities.

Only the landlord attended the hearing. The landlord stated that she had not been served with the tenant's application for dispute resolution and notice of hearing (the "hearing package"). The landlord also stated that the tenant had now vacated the unit without providing a forwarding address. Accordingly, I consider the landlord's application for an order of possession to be withdrawn.

As to evidence in support of the landlord's application, documents before me are limited to the "Landlord's Application for Dispute Resolution" and the "Notice of a Dispute Resolution Hearing." The landlord said that she had provided additional related documentation to the Residential Tenancy Branch (the "Branch") by way of email. However, despite my efforts, I was unable to confirm that the Branch had received the landlord's evidence by email.

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

A print out from the Branch website headed "Completing the Dispute Resolution Process" is enclosed, and documents that "Evidence **cannot** be submitted by email."

Conclusion

The landlord's application is hereby dismissed with leave to reapply.

In the absence of an appearance by the tenant, despite scheduling of the hearing in response to applications by both parties, the tenant's application is hereby dismissed.

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: September 18, 2013

Residential Tenancy Branch

