



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

The Tenant did not appear at the Hearing at the scheduled time. The Landlord stated that the Tenant was served with the application for dispute resolution and notice of hearing by “strapping” it to the front gate. The Landlord stated that the one page copy of the 10 day notice to end tenancy for unpaid rent dated November 5, 2013 (the “Notice”) provided as evidence is from a camera shot of the Notice. The Landlord stated that this was the first hearing for the Landlord on this matter and the first time the Landlord has appeared on this matter. It is noted that in a previous Decision, dated January 6, 2014, the Landlord did not appear at the hearing and the Notice relied upon for this current application was cancelled. This Decision was not available to consider prior to or during the Hearing.

Section 77 of the Act provides that a decision is final and binding on the parties. Although at this Hearing the Landlord’s application was orally dismissed with leave to reapply for failure to serve the application for dispute resolution as required under the Act, this decision was made based on the Landlord’s preliminary evidence that implied that no previous hearing had been held on this matter. Given that the Decision dated January 6, 2014 cancelled the Notice, I find that the matter of possession of the unit

based on the Notice is not open for any consideration even with required service. I therefore dismiss the Landlord's application without 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: January 17, 2014

Residential Tenancy Branch

