



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Capreit  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNSD, MNDC, MNR, FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to apply the security deposit towards its monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

### **Preliminary Matters**

The Landlord's agent testified that she mailed the Notice of Hearing documents, by registered mail, to the Tenant at the rental unit on March 20, 2014. Section 90 of the Act deems service by mail to be effective 5 days after mailing the documents.

The Landlord's agent testified that the Tenant moved out of the rental unit at some point in March, 2014, but she wasn't certain when he moved. The Landlord's agent stated that he abandoned some furniture in the rental unit.

The Landlord's application for an Order of Possession is dismissed, as the tenancy has ended and the Landlord has taken back possession of the rental unit.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. I find that the Landlord has not provided sufficient proof that the Tenant was still living in the rental unit when the registered documents were mailed. Therefore, I dismiss the Landlord's application with leave to reapply.

### **Conclusion**

The Landlord's application for an Order of Possession is dismissed.

The remainder of the Landlord's application is 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: May 12, 2014

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Residential Tenancy Branch

