



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cornerstone Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNSD, MNR, MNDC, 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 agents gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord's agent AU testified that he mailed the Notice of Hearing documents and copies of the Landlord's documentary evidence, by registered mail, to the Tenant at the rental unit on April 10, 2014. AU provided the tracking number for the registered mail. He stated that the documents were returned to the Landlord, unclaimed.

AU testified that the Tenant appears to have moved out of the rental unit. He stated that the Tenant has not been seen "for 2 months" and hydro has been cut off. AU testified that there is still some of the Tenant's personal belongings in the rental unit and food in the fridge.

I explained to the Landlord that if the Tenant has abandoned the rental unit, then the tenancy is over pursuant to the provisions of Section 42(1)(d) of the Act and the Landlord may take 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. The Landlord did not provide sufficient evidence that the Tenant still resided at the rental unit at the time the documents were mailed, and therefore the Landlord has not provided proof that the Tenant was served with the Notice of Hearing documents. Therefore, I dismiss the Landlord's application **with leave to reapply**.

Conclusion

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: June 02, 2014

Residential Tenancy Branch

