



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

At the start of the hearing, the agent for landlord informed me that he had started handling these matters just recently and was therefore was unable to provide information on the service of the hearing package. The physical and electronic file did not contain any evidence of service of the hearing package. The tenant did not attend the hearing.

The agent also informed me that the tenant moved out on September 14, 2014 and that the landlord had gained possession of the unit and therefore did not require an order of possession. The agent stated that the tenant has not provided a forwarding address.

Since the landlord has not proven that the tenant was served with a notice of this hearing, 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: September 19, 2014

Residential Tenancy Branch

