



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for an order of possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenants for the cost of the application.

The landlord attended the hearing and provided evidentiary material in advance of the hearing. However, despite being served with the Landlord's Application for Dispute Resolution, evidentiary material and notice of hearing, no one for the tenants attended. The line remained open while the phone system was monitored for 15 minutes and the only participant who joined the call was the landlord.

The landlord advised that the tenants were served on August 20, 2014 by posting the documents to the door of the rental unit that day. The *Residential Tenancy Act* permits service of the application in that manner if the application seeks an order of possession, but does not permit that method of service if the application seeks a monetary order.

The landlord advised that the tenants vacated the rental unit on or about September 20, 2014 and the landlord no longer seeks an order of possession. I therefore dismiss the application for an order of possession, and I dismiss the landlord's application for a monetary order with leave to reapply.

Since the landlord has not been successful with this application, the landlord is not entitled to recovery of the filing fee.

Conclusion

For the reasons set out above, the landlord's application for an order of possession is hereby dismissed.

The landlord's application for a monetary order for unpaid rent or utilities is hereby 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: October 02, 2014

Residential Tenancy Branch

