



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend.

### Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

The landlord claimed in the application that the tenant failed to pay rent for December. The landlord said at the hearing that the tenant has moved out of the rental unit since the application was filed. The landlord did not submit a copy of a tenancy agreement. He did not provide a copy of a Notice to End Tenancy and there is no record of rent payments. The landlord submitted a copy of a registered mail receipt with respect to the service of the application and notice of hearing upon the tenant. The documents were mailed on December 31, 2014, but the records from Canada Post show that the registered mail was received and signed for by one of the landlord's family members, not by the tenant.

### Analysis and conclusion

The tenant has moved out of the rental unit and an order for possession is no longer required. The landlord's application for an order for possession is therefore dismissed. Based on the evidence presented I find that the landlord has failed to prove on a balance of probabilities that the tenant has been served with the application and Notice

of Hearing and in the absence of proof of service the landlord's application for a monetary order 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: January 22, 2015

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Residential Tenancy Branch

