



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, MNSD, OPR, FF

### Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. At the outset the landlord advised that the tenant had moved out and she was no longer seeking an Order for possession. Only the landlord attended the application

### Issues:

Is the landlord entitled to a Monetary Order?

### Background and Evidence:

The landlord JB testified that the tenancy began on July 15, 2014 with rent in the amount of \$ 725.00 due in advance on the first day of each month. The tenant paid a security and pet deposit of \$ 725.00 on June 30, 2014. The landlord discovered that the tenant had moved out on March 8 or 9, 2015. JB testified that she sent the dispute resolution package by registered mail to the unit address on March 19, 2015 but it was returned to her as unclaimed.. The landlord's agent testified that the arrears to date are \$ 2,175.00.

### Analysis:

Based on the evidence of the landlord I find that the tenant has not been served with the application for Dispute Resolution as the landlord mailed it to an address that she knew the tenant no longer resided at. The landlord was encouraged to attempt to find some evidence of a location where the tenant now resides or can be found. If she is able to discover some evidence she would be able to apply for an Order for substituted service and reapply for a monetary Order.

### Conclusion:

I have dismissed the landlord's application for an order for possession. I have dismissed with leave to reapply the landlord's application for a monetary Order and Order to retain the security deposit. I have not made any order as to the recovery of the filing fee.

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: April 21, 2015

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Residential Tenancy Branch

