



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Decision Codes: O

### **Introduction**

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The tenant testified that she served the respondent by mailing a copy of the Application for Dispute Resolution/Notice of Hearing by registered mail to where the respondent resides. However, the tenant was unable to produce a receipt which contained to tracking number which could prove service. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided**

The issue to be decided is whether the tenant is entitled to an order that the landlord comply with the Residential Tenancy Act?

### **Background and Evidence:**

The tenancy began on September 1, 2014. The rent is \$900 per month payable in advance on the first day of each month. In early April the landlord demanded that the tenants vacate the rental unit in 3 days. He also took steps to force them to leave. The tenants vacated the rental unit on or about April 10, 2015.

The tenants filed a Monetary Order Worksheet with the Residential Tenancy Branch on May 5, 2015. The tenants did not amend their Application for Dispute Resolution to claim a monetary order.

### Analysis

I determined the tenants failed to prove they had sufficiently served the landlord. Further, their claim that the landlord comply with the Residential Tenancy Act is moot as the tenants have vacated the rental unit and they are no longer interested in continuing with the tenancy. As a result I ordered that the application of the tenant be dismissed.

The tenants failed to amend their Application for Dispute Resolution to make a monetary claim although they filed a monetary order worksheet. I have not considered the tenants' claim for a monetary order. The tenants retain the right to file another Application for Dispute Resolution making a monetary order.

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: May 14, 2015

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Residential Tenancy Branch

