



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL, MNSD, MND, MNDC, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for damages; compensation for damage or loss under the Act, regulation or tenancy agreement; to apply the security deposit towards his monetary award; and to recover the cost of the filing fee from the Tenant.

Both parties signed into the teleconference and gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord testified that he sent the Notice of Hearing documents, by text, to the Tenant at the rental unit on October 14, 2015 at 2:51 p.m. He stated that he received confirmation that the Tenant received the text. The Tenant stated that he had not received the Notice of Hearing documents and that he had to call the Residential Tenancy Branch after he received the Landlord's documentary evidence in order to get the dial-in information for the teleconference.

The Landlord testified that he had mailed his documentary evidence to the Tenant, but that the Tenant was no longer at that address. He stated that he was able to get a "bailiff" to serve the Tenant personally on May 5, 2015.

The Landlord's agent testified that the Tenant has moved out of the rental unit and therefore the Landlord's application for an Order of Possession is dismissed, as the tenancy has ended and the Landlord has taken back possession of the rental unit.

It is important to note that the Landlord did not provide the Residential Tenancy Branch with copies of his documentary evidence until May 5, 2015. In fact, the Branch provided me with the Landlord's documentary evidence on May 6, 2015 (the date of the Hearing), after the teleconference had concluded.

There are specific time lines for providing evidence to the Branch, which are included in the Notice of Hearing package. I find that the Landlord did not serve the Tenant with the Notice of Hearing documents in accordance with the Act. I also find that the

Landlord did not serve the Tenant (or provide the Branch) with copies of his documentary evidence within the time frames required by the Rules of Procedure.

Therefore, the Landlord's Application was dismissed with leave to reapply. The Landlord exited the teleconference at 1:43 p.m., before it had concluded. The Tenant provided an address for delivery of his copy of the Decision, after the Landlord hung up.

Conclusion

The Landlord's application for an Order of Possession is dismissed.

The remainder of 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: May 27, 2015

Residential Tenancy Branch

