



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

The landlords had applied for an Order of Possession and Monetary Order under the Direct Request process on May 19, 2015. On May 29, 2015 the Adjudicator considering the landlords' Application for Dispute Resolution by Direct Request ordered a participatory hearing be held so that an Arbitrator may hear further particulars of this case from both parties. Copies of the Adjudicator's decision and Notices of Reconvened Hearing were provided to the landlords to serve upon the tenant in a manner that complies with section 89 of the Act.

At today's hearing only the landlord appeared. The landlord was asked as to how the tenant was served with notification of today's hearing. The landlord initially testified that this was done by registered mail sent to him on May 25, 2015; however, I determined that mailing pertained to serving the landlord's Application for Dispute Resolution by Direct Request and other related documents. The landlord then testified that she could not recall how the tenant was served with notification of today's proceeding. Finally, the landlord acknowledged that they were unable to locate the tenant to serve him with a Notice of Reconvened Hearing and interim decision after he moved out of the rental unit at the end of May 2015.

As the tenant has moved out of the rental unit the landlord's no longer require an Order of Possession and the only remaining issue is their monetary claims against him. However, since the tenant has not been served with notification of today's hearing I did not proceed to hear the landlord's monetary claims as to do so would violate the principals of natural justice.

In light of the above, I dismiss the landlord's claims against the tenant with leave to reapply within the statutory time limit for making an Application as provided under the Act.

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: July 23, 2015

Residential Tenancy Branch

