



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the fee for filing this Application for Dispute Resolution.

At the outset of the hearing the Landlord stated that the rental unit had been vacated by July 01, 2015 and that she was, therefore, withdrawing her application for an Order of Possession.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary Order for unpaid rent/lost revenue and to keep all or part of the security deposit?

### Background and Evidence

The Landlord stated that on June 30, 2015 she served the Tenant with the Application for Dispute Resolution, the Notice of Hearing, and documents she submitted to the Residential Tenancy Branch, by sending them to the rental unit, via registered mail. The Landlord cited a Canada Post tracking number that corroborates this testimony.

The Landlord stated that she has not checked the Canada Post website to determine if the mail was delivered to the Tenant. The Landlord stated that the internet access at her current location was unreliable so I searched the Canada Post website on her behalf during the hearing. The website showed the mail has not yet been picked up by the Tenant.

### Analysis

On the basis of the Landlord's testimony that the rental unit had been vacated by the day after the dispute resolution package was mailed to the Tenant, I find it highly likely that the Tenant did not receive notification that registered mail had been sent to him. On the basis of the information on the Canada Post website, I find that the Tenant did not receive the dispute resolution package that was mailed to him and that he was not, therefore, aware of the hearing.

As the Tenant was not aware of the hearing, I am unable to proceed with the hearing in the absence of the Tenant.

### Conclusion

As I have not determined the merits of the Landlord's Application for Dispute Resolution, the Application for Dispute Resolution is dismissed with leave to reapply. The Landlord retains the right to file another Application for Dispute resolution seeking compensation for unpaid rent/lost revenue.

Both parties are advised that unless the Landlord receives a forwarding address for the Tenant within one year after the end of the tenancy, the Landlord has the right to retain the Tenant's security deposit. The Landlord must comply with section 38 of the *Residential Tenancy Act* if the Landlord receives the Tenant's forwarding address within the legislated time period.

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: August 27, 2015

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Residential Tenancy Branch

