



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY MANAGEMENT CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing was convened in relation to the landlord's application for:

- an order of possession for unpaid rent;
- a monetary order for unpaid rent; and
- authorization to recover its filing fee for this application from the tenant.

The tenant did not attend this hearing. The landlord's agent attended the hearing.

Preliminary Issue – Tenant is Deceased

The agent informed me that within the last two or three weeks the tenant died. The tenant was found in the rental unit. The landlord has not served the tenant's estate.

Residential Tenancy Policy Guideline, "12. Service Provisions" provides assistance to applicants where the respondent has died:

Where the applicant names the decedent (i.e., where the respondent has died), the application must be served on the personal representative of the decedent, and at the hearing the application may be amended to properly name the estate.

As the landlord has not effected service against the tenant's estate, I am unable to proceed with this application. The landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable time limit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the *Residential Tenancy Act*.

Dated: September 17, 2015

Residential Tenancy Branch

