



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding TONY CONSTRUCTION LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing was convened by conference call in response to a Landlord's Application for Dispute Resolution (the "Application") for an Order of Possession and a Monetary Order for unpaid rent. The Landlord also applied to keep the Tenant's security deposit and to recover the filing fee from the Tenant.

An agent for the Landlord appeared for the hearing. However, there was no appearance for the Tenant. The Landlord's agent explained that after she had made the Application, when she attended the Tenant's rental unit to serve him with the documents for this hearing, the Tenant had vacated the rental unit, left the keys and cleaned the rental unit. Therefore, the Landlord's agent was unable to serve the Tenant with the Application or the documents for this hearing.

Section 59(3) of the *Residential Tenancy Act* provides that an applicant must serve a copy of the application and Notice of hearing documents to the respondent within 3 days of receiving the paperwork from the Residential Tenancy Branch. As the Landlord was unable to serve the Tenant with the documents for this hearing, I was not able to progress the Landlord's Application. As a result, I dismissed the Landlord's Application **with** leave to re-apply. However, as I have made no legal findings in this matter, this does not extend any time limit or periods provided to the parties 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: November 16, 2015

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Residential Tenancy Branch

