



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Commercial Solutions
and [tenant name suppressed to protect privacy]

DECISION

Codes: CNR, OPR, MNR, MNSD, FF

Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated September 2, 2015, as well as an application by the landlord for an Order for Possession and a monetary Order for unpaid rent and to retain the security deposit. Only the landlord's agent GM attended the conference all hearing which lasted 10 minutes.

Issues:

Is the tenant entitled to any relief?

Is the landlord entitled to an order for possession and a monetary order?

Preliminary Matters:

At the outset the landlord's agent GM advised that he tenant had moved out of the unit on or about November 5, 2015 and accordingly he no longer required an Order for Possession.

GM testified that the tenancy began on June 1, 2014 with rent amounting to \$ 800.00 due on the first day of each month. The tenant paid a security deposit of \$ 400.00 on May 26, 2014.

GM advised that although there are at least 4 months of arrears he did not know how the landlord's application for dispute resolution was served on the tenant.

Analysis:

As the tenant did not attend the hearing I have dismissed her application.

As the landlord's agent GM was not able to provide any evidence as to how he served the application I have dismissed the landlord's application with leave.

Conclusion:

I have dismissed the tenant's application. I have dismissed the landlord's application for an Order for Possession. I have dismissed the remainder of the landlord's applications with leave. The landlord is cautioned to deal with the security deposit in accordance with section 38 of the Act. There will not be any recovery of the filing fee to either party.

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

Residential Tenancy Branch

