



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LAKE COUNTRY LOFTS AND REALSTAR MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the tenant: CNC, FF
For the landlord: OPC, MND, MNR, FF

Introduction, Preliminary, and Procedural Matters

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the Residential Tenancy Act ("Act").

The tenant applied for an order cancelling a 1 Month Notice to End Tenancy for Cause ("Notice") issued by the landlord.

The landlord applied for an order of possession for the rental unit pursuant to the Notice, compensation for alleged damage to the rental unit, a monetary order for unpaid rent, and for recovery of the filing fee paid for this application. The landlord also amended their original application in which their monetary claim was increased.

The landlord's agent and their legal counsel attended the hearing; the tenant did not attend.

The landlord's agent and legal counsel submitted that the tenant was no longer living in the rental unit, as the landlord had obtained an order of possession based upon the landlord's other application for dispute resolution under the direct request process. Therefore, as confirmed by the landlord's agent, the landlord no longer required consideration of their request for the order of possession.

As to the remaining portions of the landlord's application, the landlord submitted that they served their original application by attaching the documents to the tenant's door. The landlord submitted further that their amended application was not served to tenant as they had no forwarding address.

Analysis and Conclusion

Tenant's application-

As the tenant has vacated or been removed from the rental unit and due to his failure to attend the hearing in support of his application, I dismiss the tenant's application, without leave to reapply.

Landlord's application-

I dismiss the portion of the landlord's application seeking an order of possession for the rental unit, due to the tenant having vacated or been removed from the rental unit pursuant to the landlord's earlier order of possession.

As to the landlord's monetary claim in their original and amended application, Section 89(1) of the Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

As the landlord confirmed that the tenant had not been served with their application in a manner required by the Act and that the tenant had not been served with their amended application at all, I therefore dismiss the landlord's application for monetary compensation, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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 15, 2015

Residential Tenancy Branch

