



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, OPC, OPR, FF

Introduction

This was a hearing with respect to an application by the landlord for an order for possession, a monetary order and an order to retain the security deposit. The hearing was conducted by conference call. The landlord and his daughter, acting as his agent, called in and participated in the hearing. The tenants did not attend the hearing.

Issue(s) to be Decided

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

Background and Evidence

The landlord's agent testified at the hearing that the landlord did not submit any documentary evidence in support of the application until January 18, 2015, the day before the hearing. The landlord's agent said that the rental property has been sold to new owners and the tenants continue to reside in the rental unit. The landlord's agent said that the landlord assumed that the sale of the rental property put an end to the landlord's claims for a monetary award. She said they received advise that they could proceed with their claim and then filed evidence.

Analysis

The landlord's documentary evidence was submitted late; it was not available to me at the time of the hearing. The landlord did not provide proof that the tenants were served with this application or provided with the documents in support of the landlord's claim.

In the absence of any documentary evidence to support this claim and in the absence of evidence that the tenants were served with the application and Notice of Hearing and

with evidence to support the claim, this application for a monetary award is dismissed with leave to reapply. The tenancy has ended and the application for an order of possession is dismissed without leave to reapply

Conclusion

The application for an order of possession has been dismissed without leave to reapply. The application for a monetary award has been dismissed with leave to reapply.

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: January 19, 2016

Residential Tenancy Branch

