



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MACAULAY MANOR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: ET FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for an Order ending the tenancy early with requisite Order of Possession, and to recover the filing fee.

The landlord attended the conference call hearing but the tenant did not. The landlord testified that they posted the Notice of Hearing package on the tenant's door, subsequent to the tenant being court-ordered to remain away from the residential property, to which the tenant has not purportedly returned since the Notice of Hearing was posted. The landlord did not employ other means to serve the tenant.

Under the circumstances provided by the landlord I am not satisfied the tenant is aware of this proceeding, as they have not been effectively served.

Therefore, **I dismiss** the landlord's application, but I do so with leave to reapply. None of the potential merits of this application were heard.

Conclusion

The landlord's application **is 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: June 27, 2016

Residential Tenancy Branch