



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MNR, MNSD, FF

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent. The Landlord also applied to retain the Tenant’s security deposit and to recover the filing fee from the Tenant. The Landlord appeared for the hearing but there was no appearance for the Tenant. The Landlord explained that she had to cancel the hearing because she was unable to serve notice of this hearing to the Tenant. The Landlord explained that before she received the documents for this hearing for service to the Tenant, the Tenant vacated the rental unit without providing a forwarding address in writing. The Landlord registered mailed the documents to the rental unit address in an effort that the documents may be forwarded onto the Tenant and the post office even held onto the documents for two weeks to see if the Tenant would collect them, which she did not.

When a party makes an Application, they must serve the respondent with a copy of the Application and notice of that hearing pursuant to Section 89(1) of the *Residential Tenancy Act* (the “Act”). In this case, the Landlord was not able to serve the Tenant with notice of this hearing or the claim being made against the Tenant as the Tenant had vacated the rental unit and not provided a forwarding address. Therefore, I must dismiss the Landlord’s Application for an Order of Possession as this is no longer required and I dismiss the Landlord’s monetary claim with leave to re-apply if the Landlord is able to locate and serve the Tenant pursuant to 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 Act.

Dated: September 16, 2016

Residential Tenancy Branch