



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Paynters Orchard Meadows Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR; MNR; MNDC; MNSD; FF

This is the Landlords' Application for Dispute Resolution seeking an Order of Possession; a monetary award; to apply the security deposit towards her monetary award; and to recover the cost of the filing fee from the Tenant.

This Hearing was scheduled to commence at 1:30 p.m., November 2, 2016. The Landlord signed into the Hearing; however, by 1:45, the Tenant had not signed in.

The Landlord gave affirmed testimony at the Hearing. The Landlord testified that she posted a Notice to End Tenancy for Unpaid Rent to the Tenant's door on September 26, 2016.

The Landlord testified that she believes the Tenant has moved out and abandoned property at the rental unit. She stated that she had a telephone conversation with the Tenant on October 9, 2016, and that the Tenant advised her he would be moving out "by the weekend". The Landlord testified that the Tenant has not been seen since early October, when he was seen moving his stuff out. The Landlord went to the rental unit, opened the door and saw some items and food left in the rental unit.

The Landlord stated that she mailed the notice of hearing package to the Tenant, by registered mail, on October 13, 2016. She provided the tracking number for the registered mail. The Landlord stated that she went to the rental unit on October 14, 2016, and saw a notice posted to the Tenant's door advising him where to pick up the registered mail. The Landlord testified that she went back to the rental unit on November 2, 2016, and the notice was still there.

The Landlord testified that the Tenant has not paid any of the outstanding rent.

Conclusion

The Tenant did not receive notice of the Hearing and therefore, the Landlord's Application **is dismissed with leave to reapply**.

The Landlord was cautioned with respect to the Tenant's abandoned property. The Landlord must deal with the Tenant's abandoned property in accordance with the provisions of Part 5 of the regulations.

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 02, 2016

Residential Tenancy Branch