



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, MNR

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession and a monetary order. The hearing was conducted via teleconference and was attended by both landlords and their agent.

The landlord confirmed the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on October 7, 2016.

However, the landlords submit that they have recently confirmed the tenant has not been seen on the property for at least 6 weeks and that the hydro was cut off on October 4, 2016. The landlord has confirmed they have possession of the rental unit and no longer require an order of possession.

As such, I find, on a balance of probabilities the tenant was no longer living in the rental unit at the time the landlord served the Notice of Hearing package. As a result, I find the tenant could not be aware of this hearing, as he was not served in accordance with the requirements under Section 89 of the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for landlord's use of property and to a monetary order for unpaid rent, pursuant to Sections 49, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

Based on the above, I dismiss the landlords' Application for Dispute Resolution in its entirety 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: November 28, 2016

Residential Tenancy Branch

