



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

A hearing was convened to deal with an application by the landlord based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities February 10, 2017 (the “10 Day Notice”) under the *Residential Tenancy Act* (the “Act”). The application indicated that the landlord sought an order of possession for unpaid rent, a monetary order for unpaid rent, authorization to retain the security deposit, and recovery of the filing fee. At the outset of the hearing the landlord advised that the respondents had vacated and withdrew the request for an order of possession.

The applicant attended the hearing with a person to assist with translation and with her brother. The applicant, her brother, and the translator all participated in the hearing. All had full opportunity to be heard, to present affirmed testimony, and to make submissions.

As the respondents did not attend the hearing, service of the application and the notice of hearing were considered. The landlord advised that she had been unable to serve them as they left no forwarding address, the phone numbers she had for them were not working, and she had been unable to locate the female tenant at the business she was supposed to have worked at. The landlord has never confirmed that the female respondent actually works at that business and has not seen her there despite having attended seven times in order to serve her.

The landlord indicated that she wished to amend her application and requested an order that she be allowed to serve the tenants by substituted service.

Conclusion

Based on the landlord's admission that the tenants have not been served, I **dismiss the application with leave to reapply**. This decision does not extend any applicable time limits under the Act.

If the landlord wishes to reapply, she is authorized pursuant to s. 71(1) to serve the named tenants substitutionally by placing an advertisement in the legal notices section of the local newspaper for two consecutive weeks advising of the hearing date and time.

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. Pursuant to s. 77 of the Act, a decision or an order is final and binding, except as otherwise provided.

Dated: April 21, 2017

Residential Tenancy Branch