



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding City of Burnaby
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR OPR

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution by Direct Request. The matter was subsequently referred to a participatory hearing, held on August 28, 2017 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- An order of possession for unpaid rent or utilities; and,
- A monetary order for unpaid rent or utilities.

B.T. appeared on behalf of the Landlord. He also had another agent, M.C. accompany him. Both B.T. and M.C. (the Landlord's Agents) provided affirmed testimony at the hearing. The Tenants did not attend the hearing.

The Landlord's Agents testified that the Tenants moved out of the rental unit on July 31, 2017, and left the keys in the mailbox. The Landlord's Agents also testified that the Tenants did not leave a forwarding address. As the Tenants have already moved out of the rental unit, the Landlord's Agents stated that they are only seeking a monetary order for unpaid rent, and no longer need an order of possession. As such, I amend the Landlord's Application to exclude the matter of possession.

The Landlord's Agents testified that the Notice of Hearing along with supporting documentary evidence was sent to each of the Tenants by registered mail on August 3, 2017, to the rental unit. However, the Landlord's Agents provided testimony to show that the Tenants had already vacated the rental and would likely not have received the Notice of Hearing. As a result, I find the tenants have not been properly served with these documents pursuant to Section 88 of the *Act*.

Conclusion

Based on the above, I dismiss the Landlord's application for a monetary order for unpaid rent 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: August 28, 2017

Residential Tenancy Branch