



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR

Introduction and Conclusion

This hearing convened as a result of a Landlord's Application for Dispute Resolution filed June 30, 2017 wherein the Landlord sought an Order of Possession based on a 1 Month Notice to End Tenancy for Cause issued on June 9, 2017 (the "Notice"). By Amendment to an Application for Dispute Resolution, filed August 9, 2017, the Landlord also sought monetary compensation in the amount of \$1,650.00 for unpaid rent.

The hearing was conducted by teleconference on September 12, 2017 at 9:00 a.m. Only the Landlord called into the hearing. He was unable to testify as to the date the Tenant was personally served with the Application for Dispute Resolution and the Amendment.

The Landlord testified that the Tenant vacated the rental unit approximately five days before the hearing. He also stated that it was very unlikely he would be able to collect on any Monetary Order granted as the Tenant was impoverished.

The Tenant vacated the rental unit such that an Order of Possession was no longer required. However, as the Landlord was unable to confirm service of the Application materials on the Tenant, I was not satisfied the Tenant was aware of the hearing date; I therefore dismiss the Landlord's monetary claim with leave to reapply.

The Landlord was cautioned during the hearing to ensure that any notice to end tenancy complies with section 52 of the *Residential Tenancy Act*, and specifically that it is in the approved form. The Notice submitted in evidence was not in the approved form and did not inform the Tenant as to his right to dispute the Notice, or the applicable deadlines. The approved forms may be obtained from the residential tenancy branch website at:

<http://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/forms>

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: September 12, 2017

Residential Tenancy Branch