



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MARY ST APARTMENT INC  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            OPR, MNR, FF

### Introduction

This hearing was convened by way of conference call concerning an application made by the landlords seeking an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application.

The named landlord attended the hearing and also represented the landlord company. However, the line remained open while the phone system was monitored for 10 minutes and no one for the tenant joined the call.

The landlord advised that the tenant has vacated the rental unit, the landlord has possession of it, and the landlord withdraws the application for an Order of Possession.

The landlord further advised that the tenant was served with the Landlord's Application for Dispute Resolution and notice of this hearing by sliding the hearing package under the door of the rental unit on September 15, 2017. The *Residential Tenancy Act* does not permit that method of service where a party seeks monetary compensation. Therefore, I dismiss the landlord's application for a monetary order for unpaid rent or utilities with leave to reapply.

Since the landlord has not been successful with the application, the landlord is not entitled to recovery of the filing fee.

### Conclusion

For the reasons set out above, the landlord's application for a monetary order for unpaid rent or utilities is hereby dismissed with leave to reapply.

The landlord's application for a monetary order for recovery of the filing fee for the cost of this application is hereby dismissed.

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: October 11, 2017

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Residential Tenancy Branch