



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and the filing fee.

The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord testified that he found the suite abandoned on July 16, 2017. The tenant had moved out sometime before that date without informing the landlord. The landlord stated that he had no forwarding address for the tenant and therefore he had not served the tenant with the notice of hearing package.

Issues to be decided

Was the tenant properly served with the notice of hearing and the landlord's application? If so is the landlord entitled to a monetary order?

Background and Evidence

The landlord testified that he had served the tenant with a ten day notice to end tenancy for unpaid rent for the month of July 2017. The tenant did not dispute the notice and also did not pay the outstanding rent.

The landlord testified that he visited the unit on July 16, 2017 and found that the tenant had moved out without informing him. The tenant did not provide the landlord with a forwarding address. Accordingly the landlord was unable to serve the tenant with the notice of hearing package.

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I find that the tenant was not served with the notice of hearing and therefore was not given an opportunity to respond to the landlord's claim against her. Accordingly, I must dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application is dismissed 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: January 23, 2018

Residential Tenancy Branch