



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE GLENAYRE REALTY CHILLIWACK LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRM-DR FFL

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for 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.

An agent and a property manager for the landlord company attended the hearing, however the line remained open while the phone system was monitored for in excess of 10 minutes and no one for the tenant joined the call.

The landlord's agent advised that the tenant vacated the rental unit on an unknown date, but prior to June 8, 2018, and the landlord no longer seeks an Order of Possession.

The landlord was unable to provide any evidence or testimony with respect to serving the Hearing Package on the tenant. In the absence of any information to satisfy me that the tenant was served in accordance with the *Residential Tenancy Act* and is aware of this hearing, I cannot make any monetary orders as against the tenant, and I dismiss the landlord's application with leave to reapply.

Since the landlord has not been successful with the application, I decline to order that the landlord recover the filing fee from the tenant.

Conclusion

For the reasons set out above, the landlord's application for an Order of Possession is hereby dismissed.

The landlord's application for a monetary order for unpaid rent or utilities is hereby 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: June 28, 2018

Residential Tenancy Branch