



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Pinnacle International Realty Group II  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC MNSD FF

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on October 16, 2018. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage or compensation under the Act;
- permission to retain the security deposit to offset the money owed; and,
- to recover the filing fee from the Tenant for the cost of this application.

The landlord attended the hearing and provided testimony. The tenants did not attend the hearing. The Landlord stated that the Tenant passed away in January of 2018, and shortly after this, his sister and executor of the estate contacted the Landlord to explain what happened. The Landlord offered the estate an additional one month free to clear out the Tenant's belongings. Then, on March 1, 2018, the Landlord cleared out the rental unit, since she was no longer able to get a hold of the Tenant's executor of the estate. The Landlord filed an application and she sent a copy of the Application for Dispute Resolution along with supporting documentary evidence, towards the end of March 2018, to the rental unit that the Tenant used to live in.

As discussed during the hearing, the estate, or executor must be served in accordance with the Act. I do not find this has been sufficiently done, since the Landlord knew the Tenant was no longer living there, and the executor was no longer in contact at this point. As such, I dismiss the Landlord's application, in full, with leave to reapply should they be able to locate the executor of the estate.

### 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: October 18, 2018

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Residential Tenancy Branch