



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

On November 23, 2018, the Landlord filed an Application for Dispute Resolution by Direct Request. The Landlord was seeking an order of possession for the rental unit due to unpaid rent or utilities and for a monetary order to recover unpaid rent or utilities.

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act*. The ex-parte review was completed and a Decision was issued on December 6, 2018. The adjudicator found a discrepancy in the amount of rent due each month and ordered the matter be heard by participatory hearing. The Landlord was ordered to serve the Tenants a Notice of Reconvened Hearing.

The matter was set for a conference call hearing. The Landlords and their agent appeared at the hearing; however, the Tenants did not.

The Landlord testified that the Tenants moved out of the rental unit on November 30, 2018, and the Landlord is no longer seeking an order of possession. The Landlord is seeking a monetary order for unpaid rent. The Landlord testified that he never served the Tenants with the Notice for this hearing because they had moved out and he did not know their new address.

A fundamental principal of natural justice is that a party has the right to receive notice of an action against them and have an opportunity to respond. Since the Landlord failed to serve the Tenants with the Notice of Dispute Resolution Proceeding, I find that it would be unfair to proceed with the monetary claim against the Tenants.

The Landlords' application for a monetary order for unpaid rent 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 24, 2019

Residential Tenancy Branch