



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR-S, MND-S, FF

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for damage to the unit pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover her filing fee for this application from the tenants pursuant to section 72.

The landlord attended the hearing via conference call and provided undisputed testimony. The landlord stated that the tenants were served with the notice of hearing package via Canada Post Registered Mail on April 13, 2019.

Extensive discussions over 34 minutes revealed that the landlord was having issues understanding English. The landlord indicated that her native language was Mandarin. The landlord attempted to contact her daughter to assist in translating English and Mandarin for the landlord. The landlord stated that her daughter would not be able to assist. At this time, the landlord stated that the tenants did not occupy the rental unit for over 2 months which the notice of hearing package was served. The landlord stated that the tenants had abandoned the rental unit and that the landlord is unable to locate them.

I accept the undisputed testimony of the landlord and find that due to ineffective communication between the landlord and the arbitrator that the hearing could not continue. The landlord had provided testimony that the tenants had abandoned the rental unit over 2 months prior to the hearing. I note that this would include the service of the notice of hearing package served via Canada Post Registered Mail on April 13, 2019. The tenants were not given an opportunity to respond to the application. On this

basis, I find that the landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation periods. The landlord's application is dismissed due to poor communication by the landlord and that the tenants were not properly served with the notice of hearing package.

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: May 28, 2019

Residential Tenancy Branch