



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1024891 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNRL-S, OPR, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), for monetary compensation for unpaid rent, to retain the security deposit towards compensation owed and for the recovery of the filing fee paid for the Application for Dispute Resolution.

Two agents for the Landlord (the “Landlords”) were present for the teleconference hearing and were affirmed to be truthful in their testimony. No one called in for the Tenant during the approximately 22 minutes that the phone line remained open. As the Tenant was not present, service of the Notice of Dispute Resolution Proceeding package was addressed.

The Landlords were not able to provide specific information regarding service of the Notice of Dispute Resolution Proceeding package to the Tenant as required. Rule 3.5 of the *Residential Tenancy Branch Rules of Procedure* states the following:

*At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.*

The Landlords were also unable to reference any evidence submitted that would establish that the Tenant was served with notice of the hearing and a copy of their

evidence. They did state that they served the Tenant with a copy of the amendment form on April 29, 2019 by posting it on the Tenant's door.

However, regardless of service to the Tenant, during the hearing the Landlords withdrew their application. They confirmed that the Tenant had moved out of the rental unit and they were therefore no longer seeking an Order of Possession. They withdrew their monetary claim.

The Landlords are at liberty to file a new Application for Dispute Resolution should they decide to pursue their monetary claim and are reminded to familiarize themselves with the service requirements as stated in the Rules of Procedure, as well as in Sections 88, 89 and 90 of the *Act*.

### Conclusion

This Application for Dispute Resolution has been withdrawn by the Landlord.

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 17, 2019

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Residential Tenancy Branch