



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, MNDL-S, MNRL-S, MNDCL-S, FFL

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for an order of possession of the rental unit, for a monetary order in the amount of \$2,100.00 for unpaid rent or utilities, for damages to the unit, site or property, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to retain the tenant's security deposit and/or pet damage deposit, and to recover the cost of the filing fee.

The landlord attended the teleconference hearing and was affirmed. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding ("Notice of Hearing"), application, and documentary evidence were considered. The landlord stated that the tenant vacated the rental unit on May 2, 2019. As a result, I find the landlord no longer requires an order of possession as the tenant has vacated the rental unit. The landlord confirmed that the tenant has not provided the landlord with their written forwarding address, and as a result, the landlord was unable to serve the tenant with the Notice of Hearing, application or documentary evidence.

Based on the above, and taking into account that the tenant did not attend the hearing, I **am not satisfied** that the tenant was sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that the landlord confirmed that they were unable to serve the tenant with the Notice of Hearing, application and documentary evidence.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the landlord's application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee as a result of the above.

Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee due to the service issue.

The decision will be emailed to the parties at the email addresses provided by the landlord in their application.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 7, 2019

Residential Tenancy Branch