



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUMMER HILL PL APTS & REAL STAR  
MANAGEMENT and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      OPC MND MNR MNDC FFL

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The landlord originally applied for an order of possession based on an undisputed 1 Month Notice to End Tenancy for Cause and for the filing fee, and later amended their application on June 24, 2019, to include a monetary claim. In the amended monetary claim, the landlord applied for a monetary order in the amount of \$4,423.96 for damages to the rental unit, site or property, for unpaid rent or utilities, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

Two agents for the landlord SH and KB ("agents") attended the teleconference hearing. The agents testified that the tenant vacated the rental unit as of June 7, 2019, since filing their application. As a result, the agents were advised that their application for an order of possession was not moot, as the tenant has returned possession of the rental unit back to the landlord.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding ("Notice of Hearing"), amended application, and documentary evidence were considered. The agents testified that the tenant has not been served with the amended monetary application as the tenant has failed to provide a written forwarding address and the agents have been unable to serve the tenant as a result.

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 amended 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 service issue.

Conclusion

The landlord's amended monetary 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 landlord at the email address confirmed during the hearing. The tenant will be sent the decision by regular mail as the application did not contain an email address for the tenant.

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: July 11, 2019

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Residential Tenancy Branch