



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OP, MNDC, FF

### Introduction

On July 25, 2019, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an order of possession of the rental unit; for a monetary order for money owed or compensation for damage or loss; and to recover the cost of the filing fee.

The matter was set for a conference call hearing. The Landlord attended the teleconference hearing; however, the Tenant did not. The Landlord testified that the Tenant moved out of the rental unit on July 15, 2019, and that she no longer requires and order of possession for the rental unit.

The Landlord testified that that the Tenant did not provide her with a forwarding address and the Landlord does not know where the Tenant lives. The Landlord testified that she was not able to serve the Tenant with the Notice of Dispute Resolution Proceeding documents.

A fundamental principle of natural justice is that a person is entitled to receive notice of a claim against them and have an opportunity to respond.

I find that the Tenant was not served with notice of the hearing. It would be unfair to the Tenant to proceed with the Landlord’s monetary claim. For this reason, the Landlord’s application for money owed or compensation for damage or loss is dismissed with leave to reapply.

Conclusion

I find that the Tenant was not served with notice of the hearing. It would be unfair to the Tenant to proceed with the Landlord's monetary claim. For this reason, the Landlord's application for money owed or compensation for damage or loss 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: September 30, 2019

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Residential Tenancy Branch