



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FFL

Introduction and Analysis

This hearing dealt with the landlords' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for an order of possession based on a 1 Month Notice to End Tenancy for Cause (1 Month Notice) and to recover the cost of the filing fee.

Landlords EH and MR-H (landlords) attended the teleconference hearing. The tenants did not attend the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding dated November 19, 2019 (Notice of Hearing), application and documentary evidence were considered. Landlord EH affirmed and testified that the tenants were unable to be served as they vacated the rental unit in November 2019 after the Notice of Hearing was provided and since that time, the tenants have failed to serve the landlords with their written forwarding address. The landlord did confirm that they now have possession back of their rental unit.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the landlords' application **without leave to reapply** as this matter is now moot, given that the landlord confirmed that they have already received possession back of the rental unit in November 2019.

I do not grant the filing fee as a result of the service issue noted above. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matter

This decision will be emailed to the landlords at the email address on their application.

The decision will be sent by regular mail to the tenants as the landlords were not aware of the tenants' email address.

Conclusion

The landlords' application is dismissed without leave to reapply due to a service issue and for the reason stated above.

This decision does not extend any applicable time limits under the Act.

The filing fee is not granted as noted above.

This decision will be emailed to the landlords and sent by regular mail to the tenants, as the landlords did not have an email address for the tenants.

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: January 10, 2020

Residential Tenancy Branch