



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, MNDCL, FFL

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act (Act). The landlord applied for an order of possession pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent (Notice), a monetary order for unpaid rent and compensation from the tenant and for recovery of the filing fee paid for this application.

The landlord's agent (landlord) and the tenant attended the telephone conference call hearing.

The parties were affirmed into the hearing and I proceeded to hear their testimony.

The parties confirmed that the tenancy had ended when the tenant vacated the rental unit on February 14, 2020. Therefore, the landlord's request for an order of possession of the rental unit was moot.

Preliminary and Procedural Matters - Service of the hearing documents

During the preliminary phase of the hearing, the tenant said he had not received the landlord's application for dispute resolution and notice of the hearing. The tenant said he learned about the hearing when he received an email reminder from the Residential Tenancy Branch. The tenant further said he had been in contact with the landlord several times in an attempt to get the landlord's application and hearing documents prior to the hearing, with no success.

Upon my inquiry, the landlord said the tenant was served their application and hearing documents by registered mail; however, she was out of the office during the time the

application was filed and served on the tenant. The landlord said the registered mail receipt with the tracking number had gone missing.

Analysis

Section 89(1) of the Act requires that the application for dispute resolution, which includes the notice of hearing, must be given by personally handing the documents to the tenant or by registered mail to the tenant's address where they reside or to their forwarding address.

In this case, in the absence of sufficient proof from the landlord, such as with a tracking number and receipt, and in light of the tenant's denial that he was served the application and hearing documents, I informed the landlord I could not proceed with the hearing on their monetary claim.

I dismiss the portion of the landlord's application for a monetary order for unpaid rent and compensation from the tenant, with leave to reapply.

As I did not proceed with the landlord's application, I decline to award them recovery of their filing fee.

Conclusion

The landlord's request for an order of possession of the rental unit was moot as the tenant vacated the rental unit prior to the hearing.

The portion of the landlord's application seeking monetary compensation was dismissed with leave to reapply, due to service issues as described above.

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: March 3, 2020

Residential Tenancy Branch