



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPU-DR-PP, OPUM-DR, FFL

Introduction

This hearing dealt with the Landlord's adjourned Direct Request Application filed under the *Residential Tenancy Act* (the "*Act*") made on November 10, 2020. The Landlord applied for an order of possession to enforce a 10-Day Notice for Unpaid Rent (the Notice) issued on September 2, 2020, for a monetary order for unpaid rent, permission to retain the security deposit and to recover the filing fee paid for the application. The matter was set for a conference call.

The Landlord attended the hearing was affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Landlord testified that the Application for Dispute Resolution and Notice of Hearing document had not been served on the Tenant, as the Tenant had vacated the rental unit and the Landlord did not have a new address for the Tenant. Due to the nonservice of the Notice of Dispute Resolution Hearing documents, I find that the Tenant has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Landlord's application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Landlord's application 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: February 18, 2021

Residential Tenancy Branch