



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNRL-S, MNDCL, FFL

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The landlord's agent attended the hearing via conference call and provided undisputed testimony. The landlord and the tenants did not attend.

At the outset, the landlord's agent (the landlord) stated that the tenants have not been served with the notice of hearing package as they had vacated the rental unit before service could take place. The landlord also stated that the tenants as of the date of this hearing failed to provide a forwarding address to the landlord.

I find pursuant to Section 89 of the Act the landlord having failed to serve the tenants with the notice of a dispute resolution hearing that the landlord's application is dismissed with leave to reapply for lack of service. Leave to reapply is not an extension of any applicable limitation period.

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: April 27, 2021

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Residential Tenancy Branch