



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Landlord: OPC OPR MNR FF

Tenant: CNR, CNC, RR, MNDCT, RP, LRE, OLC, FF

### **Introduction**

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on May 25, 2021. Both parties applied for multiple remedies under the *Residential Tenancy Act* (the “Act”).

The Landlord was represented at the hearing by two agents (collectively referred to as the Landlord). The Tenant did not attend the hearing.

### ***Preliminary Matters – Tenant’s application***

The hearing lasted approximately 20 minutes, and the Tenant never connected to the conference call. Given the Tenant failed to attend the hearing to support his application, I dismiss his application, in full, without leave. Further, the Landlord noted that the Tenant no longer lives in the rental unit, and the unit has been vacant since March 16, 2021. Given the tenancy has already ended, I decline to issue an order of possession, pursuant to section 55 of the Act.

### ***Preliminary Matters – Landlord’s application***

The Landlord filed two applications and both files were scheduled to be heard at the same time, at the hearing on May 25, 2021. However, the first of those applications, requesting an order of possession, based off a 1 Month Notice, is moot, given the tenancy has ended. I dismiss this application, in full, without leave.

With respect to the second application filed by the Landlord, the Landlord stated that they sent this Notice of Dispute Resolution Proceeding to the Tenant on April 1, 2021, by registered mail. Tracking information was provided in the hearing and is on the front

page of this decision. The Landlord explained that the Tenant sublet the rental unit around December 2020, and the Tenant went to stay in China. The Landlord stated that the Tenant has never returned, and since told the Landlord he will not return. The person who was subleasing the rental unit has also vacated the rental unit, and did so on March 16, 2021. The Landlord stated that both the Tenant, and the person subleasing vacated, and moved out all belongings as of March 16, 2021.

Regarding the second application filed by the Landlord, I note they applied for an order of possession based off a 10 Day Notice to End Tenancy for Unpaid Rent, as well as a monetary order for unpaid rent. As stated above, given the tenancy is over already, I find the application for an order of possession, is moot, and is dismissed, without leave.

The only issue the Landlord is seeking is a monetary order for unpaid rent, which was included in the second Notice of Dispute Resolution Proceeding package. Having reviewed this matter, I note the Landlord sent this Notice of Dispute Resolution Proceeding to the empty rental unit on April 1, 2021. The Landlord was aware the Tenant and the person subleasing the unit moved out several weeks prior. I note the Tenant did not provide a forwarding address to the Landlord. However, I am not satisfied the Landlord sufficiently served the Notice of Dispute Resolution Proceeding, pertaining to the monetary order for unpaid rent, given it was mailed to an address which was no longer current.

I dismiss the Landlord's application for monetary compensation for unpaid rent, with leave to reapply. However, I suggest that the Landlord find a current and active address to use for service. Should the Landlord not have an active address for service, he may wish to apply for an order of substituted service, so that he can serve the documentation by email. An order for substituted service will require a new application by the Landlord.

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: May 25, 2021

---

Residential Tenancy Branch