



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-DR, MNR-DR

### Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the landlord seeking an Order of Possession and a monetary order for unpaid rent or utilities. The application was made by way of the Direct Request process which was adjourned to this participatory hearing, and an Interim Decision dated September 9, 2021 was provided to the landlord which ordered the landlord to serve the tenants with the Interim Decision, notice of this hearing and all other required documents within 3 days of receiving the Interim Decision.

The landlord attended the hearing and gave submissions, however the line remained open while the telephone system was monitored for 10 minutes and no one for the tenants joined the call.

The landlord advised that the Interim Decision was not received by the landlord by email, and the landlord called the Residential Tenancy Branch several times. The Interim Decision and notice of this hearing to serve on the tenants was eventually sent to the landlord from the Residential Tenancy Branch by regular mail.

The landlord served the Interim Decision, notice of this hearing and other required documents by personally handing them to the male tenant on December 11, 2021, and has provided a photograph of the landlord and the male tenant who appears to be looking at documents. At the time of service, the tenant advised that the other tenant had moved out of the rental unit.

The landlord also advised that now both of the tenants have vacated the rental unit, and the landlord has possession. Therefore, I dismiss the landlord's application for an Order of Possession without leave to reapply.

Since the landlord has only served 1 of the 2 tenants, I dismiss the landlord's application for a monetary order for unpaid rent or utilities with leave to reapply.

Conclusion

For the reasons set out above, the landlord's application for an Order of Possession is hereby dismissed without leave to reapply.

The landlord's application for a monetary order for unpaid rent or utilities is hereby dismissed 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: December 30, 2021

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Residential Tenancy Branch