



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MetCap Living Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on February 22, 2022. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- to recover the filing fee from the tenant for the cost of this application.

The Tenant did not attend the hearing. The Landlord attended the hearing and stated that the Notice of Dispute Resolution along with supporting documentary evidence was sent to the Tenant by registered mail on October 29, 2021. Proof of mailing was provided. The Landlord stated that the package was sent to the rental unit in question. However, the Landlord also stated that she was aware that the Tenant had already vacated the rental unit as of October 18, 2021.

As discussed during the hearing, I do not find the Landlord has sufficiently served the Tenant with the Notice of Dispute Resolution. Given that the Landlord served the Notice of Dispute Resolution to a place where the Tenant no longer lived, I am not satisfied that the Landlord served the Tenant at a place where he currently resides. I am also not satisfied the Landlord has served the Tenant by any allowable methods under section 89 of the Act.

As the Notice of Hearing has not been sufficiently served for the purposes of this Act, I dismiss the Landlord's application in full, with leave to reapply.

Conclusion

I dismiss the Landlord's application in full, 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 22, 2022

Residential Tenancy Branch