



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MNDCT, LRE, OLC, FFT

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for:

- an Order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice");
- a Monetary Order of \$800.00 for damage or compensation under the Act;
- an Order suspending or restricting the Landlord's right to enter;
- an Order for the Landlord to Comply with the Act or tenancy agreement; and
- recovery of his \$100.00 Application filing fee.

The Landlord appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenant. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Landlord, who indicated that she was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Landlord.

The Landlord explained that the Tenant was removed from the residential property by a bailiff on December 23, 2022, and therefore, that the Landlord no longer needs an order of possession based on the Tenant's Application to cancel the 10 Day Notice. The Landlord said that the Tenant had not served her with any documents for this hearing and that she found out about it from the Residential Tenancy Branch.

The Landlord also said that she had not served the Tenant with her evidence for this hearing, because she did not have a forwarding address. I advised the Landlord that she may apply for an Order for substituted service in the future, so that she can serve a tenant by email for any claims made against the security deposit for unpaid rent or other compensation for damage.

Based on the evidence before me in this matter, including the Tenant's failure to attend, his having vacated the residential property, and his having failed to serve the Landlord

with the Notice of Hearing documents pursuant to the Act, I dismiss the Tenant's Application wholly without leave to reapply, pursuant to section 62 of the Act.

Conclusion

The Tenant is unsuccessful in his Application, as he failed to serve the Landlord with the Tenant's the Notice of Hearing documents or evidence, and he did not attend the hearing. The Tenant's Application is dismissed without 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: March 13, 2023

Residential Tenancy Branch