



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      OPR-DR, MNR-DR

### Introduction

This hearing was convened as a result of the Landlord's direct request application under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession under a 10 day notice to end tenancy for unpaid rent or utilities pursuant to sections 46 and 55; and
- a Monetary Order of \$1,000.00 for unpaid rent pursuant to section 67.

On February 22, 2023, an adjudicator appointed pursuant to the Act adjourned the Landlord's application to a participatory hearing for the following reasons:

*The landlord has indicated on the application that the tenant who signed the tenancy agreement is now deceased.*

*I find that the residential tenancy agreement submitted by the landlord is not signed by the respondent, which is a requirement of the Direct Request process, and that a participatory hearing is necessary in order to determine whether a tenancy agreement has been established with the respondent.*

The Landlord attended this hearing. The Respondent did not attend.

### Tenancy Has Ended

The Landlord's evidence is that the tenant, MC, passed away in October 2022. The Respondent was an occupant in the rental unit and had occupied the unit without paying rent since November 2022.

The Landlord confirmed that the Respondent moved out of the rental unit on June 3, 2023.

The Landlord does not know the name of MC's personal representative and indicated that she does not have the means to contact MC's estate. The Landlord confirmed that she does not wish to amend this application to proceed against MC's estate for unpaid rent.

Based on the foregoing, I find this application no longer discloses a dispute to be determined. I dismiss this application in its entirety without leave to re-apply pursuant to section 62(4)(b) of the Act.

### Conclusion

This application is dismissed without leave to re-apply.

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: June 13, 2023

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Residential Tenancy Branch