

## DECISION

Dispute Codes      OP, MNR, MNSD, FF

This is an application by the Landlord for an order of possession, a request for a monetary order for unpaid rent or utilities, to keep all or part of the pet damage deposit or security deposit and recovery of the filing fee.

The Landlord attended the hearing and gave undisputed testimony. The Tenant did not attend.

At the beginning of the hearing the Landlord stated that the Tenant no longer resided at the rental unit and had sublet the unit without his consent. The Landlord stated that the Tenant now resides in Northern British Columbia or the Yukon. The current occupant named as A.W. is the sublet occupant. The Landlord has stated that although the Tenant does not reside at the rental unit, that within 2 days of receiving the initial notice of hearing the Tenant called the Landlord.

I find that the occupant, A.W. is not a legal party to the Tenancy and find that he has no standing in this dispute. As such, I order that his name be removed and the hearing to proceed without him.

As to the Tenant, I find that the Landlord has not properly served the Tenant with the notice of hearing and application package. As such, I dismiss the Landlord's application with leave to re-apply when he can properly serve the Tenant.

### Conclusion

The Landlord's application is dismissed with 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: February 28, 2011.

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Residential Tenancy Branch