



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPITAL REGION HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

MNR, OPR, MNDC, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking an Order of Possession based on a Notice to End Tenancy for Unpaid Rent, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Despite being served with the Notice of Hearing the tenant failed to appear. Only the applicant landlord appeared.

At the outset of the hearing, the landlord advised that the tenant had already vacated the unit without paying the rental arrears. Therefore the issue of the Order of Possession is now moot.

Issue(s) to be Decided

The remaining issue to be determined based on the testimony and the evidence is whether the landlord is entitled to monetary compensation for rental arrears owed.

Preliminary Matter

No evidence was submitted by the landlord and therefore the file did not contain a copy of the 10-Day Notice to End Tenancy for Unpaid Rent.

Section 59(2) of the Act states that an application for dispute resolution must be in the applicable approved form and include full particulars of the dispute that is to be the subject of the dispute resolution proceedings.

Section 59(5) states that the application for dispute resolution may be declined if, in the dispute resolution officer's opinion the application does not disclose a dispute that may be determined or the application does not comply with section 59(2).

I find that, in the absence of a copy of the Ten Day Notice to End Tenancy for Unpaid Rent, upon which the landlord's monetary claim is based, this hearing cannot proceed.

Accordingly, I make no findings with respect to the merits of the landlord's monetary claim and dismiss the application with leave to reapply.

Conclusion

The landlord's application is 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: May 23, 2013

Residential Tenancy Branch

