



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNSD, MNR, MNDC, FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent, unpaid utilities and loss of revenue; to apply the security deposit towards her monetary award.; and to recover the cost of the filing fee from the Tenants.

The Landlord gave affirmed testimony at the Hearing. The Tenants did not sign into the Hearing, which remained open for 20 minutes.

Preliminary Matters

The Landlord testified that she mailed the Notice of Hearing documents, by registered mail, to each of the Tenants at the rental unit on February 13, 2014. The Landlord provided copies of the registered mail receipts and tracking numbers in evidence.

The Landlord's agent testified that the Tenants moved out of the rental unit at some point between February 15 and February 20, 2014, and that a move-out inspection was conducted on February 20, 2014 in the Tenants' absence. She was not certain on what date the Tenants moved out. The Landlord has taken back possession of the rental unit and therefore the Landlord's application for an Order of Possession is dismissed.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. Section 90 of the Act provides that service by mail is deemed to be received 5 days after mailing the document (in this case, February 18, 2014. I find that there is insufficient evidence The Tenants still resided at the rental after February 15, 2014, and therefore the Landlord has not provided proof that the Tenants were served with the Notice of Hearing documents. I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application for an Order of Possession is dismissed.

The remainder of 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: April 04, 2014

Residential Tenancy Branch

