



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter first proceeded by way of the Direct Request process authorized under section 55(4) of the Act. The landlord applied for an order of possession and a monetary order for unpaid rent. The adjudicator who first reviewed the file determined that the application was not appropriate for the Direct Request process and adjourned the file to be scheduled for a participatory teleconference hearing. The adjudicator ordered the landlord to serve the tenant with notice of the teleconference hearing.

I was assigned conduct of the teleconference hearing, which reconvened on June 12, 2015. On this date, the landlord called in to the hearing but the tenant did not.

Preliminary Issue – Service of Notice of Hearing

The landlord stated that he served the notice of hearing by placing it in the tenant's mailbox. The landlord also stated that the tenant appears to have vacated the rental unit "one or two months ago." I informed the landlord that he was required to serve the tenant at the address where the tenant resides, and I therefore could not be satisfied in this case that the tenant was served or could be deemed served with the documents. I therefore dismissed the application with leave to reapply.

Conclusion

The landlord's application is dismissed with leave to reapply. I note that it will likely not be necessary for the landlord to reapply for an order of possession, if he is satisfied that the tenant has abandoned the rental unit.

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 12, 2015

Residential Tenancy Branch

