



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent. The Landlord also applied to recover the filing fee.

The Landlord appeared for the hearing and provided affirmed testimony. However, the Landlord confirmed that she had not provided any documentary evidence prior to this hearing. The Landlord explained that she was not aware that she had to submit evidence for the hearing. The Landlord also informed me that the Tenant had vacated the rental unit and therefore an Order of Possession was no longer required.

The Landlord was informed of the requirement of evidence submissions pursuant to the Rules of Procedure as detailed in the fact sheet that was provided to the Landlord when the Application was made. There was no appearance for the Tenants during the 16 minute duration of the hearing. Therefore, I turned my mind to the service of documents to the Tenants for this hearing.

The Landlord testified that she served the paperwork for this hearing to the Tenants by registered mail. Despite the Landlord being given time to locate the Canada Post tracking receipt in an effort to provide the tracking number into oral testimony, the Landlord was unable to locate it. Therefore, I find the Landlord was unable to provide sufficient evidence that the Tenants were served with the documents for this hearing as required by the *Residential Tenancy Act*.

The Landlord also claimed that she wanted to make a monetary claim for damages. However, the Landlord had not made this claim in the Application and it was therefore not an issue before me for determination in this hearing. However, the Landlord was informed that she was at liberty to make an Application for damages to the rental unit.

Conclusion

As I am not satisfied that the Landlord has served the Tenants with notice of this hearing, I dismiss the Landlord's Application **with** leave to re-apply. As the Tenant has now moved out, the Landlord's Application for an Order of Possession is dismissed.

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: August 10, 2015

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Residential Tenancy Branch

