



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

This is the Landlord's Application for Dispute Resolution seeking an Order of Possession and a Monetary Order for unpaid rent. This matter was originally considered as a Direct Request Proceeding on September 20, 2017. The adjudicator adjourned the matter to a participatory Hearing in order to determine details of the Landlord's Application. The adjudicator ordered the Landlord to serve the Tenant with the Notice of Reconvened Hearing, along with a copy of the interim decision and supporting evidence.

The Hearing was scheduled for October 24, 2017, at 11:00 a.m. The Landlord attended the Hearing and gave affirmed testimony.

The Landlord testified that she mailed the Notice of Reconvened Hearing and other required documents to the Tenant, by registered mail, to the rental unit on September 21, 2017. The Landlord gave the tracking number for the registered mail. The Landlord testified that the Tenant moved out of the rental unit on September 25, 2017, without providing a forwarding address. She stated that the registered package was returned to her, "unclaimed".

The Tenant has moved out of the rental unit and therefore the Landlord's request for an Order of Possession was withdrawn.

I explained to the Landlord that I could not find that the Tenant was served with the Notice of Reconvened Hearing and therefore, if the Tenant did not attend the conference, we could not proceed with respect to her request for a Monetary Order for Unpaid Rent. I explained that I would dismiss the Landlord's Application, with leave to

reapply, if the Tenant did not attend the Hearing within 10 minutes of the appointed start time.

The Landlord became very upset and left the teleconference after 7 minutes. I remained on the line in case the Tenant attended the Hearing. The Tenant did not sign into the Hearing.

Conclusion

The Landlord's application for an Order of Possession was withdrawn as the Tenant moved out of the rental unit on September 25, 2017, and the Landlord has taken back possession of the rental unit.

The Landlord's application for a Monetary Order 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: October 27, 2017

Residential Tenancy Branch