



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- an early end to the tenancy and an order of possession pursuant to section 56; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing. At the outset of the hearing, the landlord advised me that the tenant vacated the rental unit on August 24, 2022. He stated that the tenant owed a significant amount of rental arrears, and that he wanted to address this issue at the hearing. He did not file a request to amend the application (Form #RTB-42L).

The tenant disputed that he owed any rent. In any event, he stated that he only learned of this application on November 18, 2022, and that he received the dispute documents from the Residential Tenancy Branch (the "**RTB**") that day.

The landlord stated that he did not serve the tenant with the notice of dispute resolution package and supporting documentary evidence, as he did not know where the tenant moved to after he vacated. The tenant stated that he was currently homeless, but that the landlord could have served home by text message or by email.

In the circumstances, I find it is appropriate to dismiss the landlord's application without leave to reapply. The application as written is moot, as the tenant no longer resides at the rental unit and as the landlord did not amend the application to include a claim for rent arrears; there is no triable issue before me. Additionally, the tenant did not receive proper notice of the application.

The landlord may make a further application for dispute resolution to recover unpaid rent (or any other amount) from the tenant. At the hearing, the tenant agreed that the landlord may serve him with any new application for dispute resolution by email.

Accordingly, pursuant to section 71(1) of the Act and by consent of the tenant, I order that for the purposes of making a subsequent application for dispute resolution, the landlord may serve the tenant by email at his email address listed on the cover of this decision.

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: November 22, 2022

Residential Tenancy Branch