

DECISION

Dispute Codes OPR FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the *Residential Tenancy Act* (the Act).

Preliminary Matter

The Landlord sought an Order of Possession based on a Notice to End Tenancy issued October 1, 2009, and to recover the cost of the filing fee from the Tenants. This same Notice to End Tenancy was the subject of an earlier participatory hearing on November 19, 2009. The Dispute Resolution Officer dismissed the Landlord's claim, as the Notice was found to be of no force or effect.

The Landlord is at liberty to issue a new Notice to End Tenancy for Unpaid rent, should they desire, and to make application for an Order of Possession based on that Notice in accordance with the provisions of the Act.

Conclusion

The Landlord's application is dismissed as it has already been decided.

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: December 11, 2009.
