

DECISION

Dispute Codes OPR OPQ FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords to obtain an Order of Possession for unpaid rent and an Order for Possession because the Tenant does not qualify for subsidized housing and to recover the cost of the filing fee from the Tenant for this application.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession under Section 55 of the *Residential Tenancy Act*?

Background and Evidence

The Landlords attended and advised that they regained possession of the rental unit on April 27, 2010, after paying the Tenant \$200.00 to move out. The Landlord confirmed that the Tenant still owed him \$1,500.00 in unpaid rent.

Analysis

The Landlords' application was for an Order of Possession and to request to recover the cost of the filing fee from the Tenant. The Landlords have regained possession of the unit and they do not know where the Tenant currently resides.

Having regained possession of the unit the Landlords no longer require an Order of Possession therefore their application for dispute resolution is no longer necessary.

As the Landlords' application is moot, I decline to award the Landlords recovery of the filing fee.

Conclusion

I HEREBY DISMISS the Landlords' application, without 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: May 07, 2010.

Dispute Resolution Officer