

## **DECISION**

Dispute Codes      OPC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for Cause and to recover the cost of the filing fee from the Tenant for this application.

The Landlord and Tenant appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issues(s) to be Decided

Is the Landlord entitled to an Order under section 55 of the *Residential Tenancy Act*?

### Background and Evidence

At the onset of the hearing the Landlord testified the Tenant vacated the rental unit on June 1, 2010 and the Landlord has regained possession of the rental unit.

The Tenant testified that he vacated the rental unit on May 30, 2010 and that he has witnesses who can provide evidence of this.

### Analysis

Based on the evidence before me the Tenant has vacated the rental unit and the Landlord has regained possession of the rental unit. Therefore the Landlord's application is moot and is hereby dismissed.

As the Landlord's application has been dismissed I decline to award recovery of the filing fee.

Conclusion

I HEREBY DISMISS the Landlord's 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: June 25, 2010.

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Dispute Resolution Officer