



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes**      OPR, MNR, MNSD, FF

### **Introduction**

This hearing was convened by way of conference call to deal with the landlord's application for an Order of Possession for unpaid rent or utilities; for a monetary order for unpaid rent or utilities; for an order permitting the landlord to retain the pet damage deposit or security deposit in full or partial satisfaction of the claim; and to recover the filing fee from the tenants for the cost of this application.

An agent for the landlord company attended the conference call hearing, and one of the named tenants appeared. All information provided by the parties has been reviewed and is considered in this Decision.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession for unpaid rent or utilities?

Is the landlord entitled to a monetary order for unpaid rent or utilities?

Is the landlord entitled to retain the pet damage deposit or security deposit in full or partial satisfaction of the claim?

### **Background and Evidence**

The landlord provided a copy of a tenancy agreement and a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities in advance of the hearing, both of which named the tenants. The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities is dated March 2, 2011 however the tenant advised that she and her roommate moved from the rental unit in September, 2010.

The landlord's agent stated that he has not spoken to any tenants in the rental unit, and was not able to provide any evidence to dispute the fact that new tenants may be residing in the rental unit and that the landlord has named the wrong parties as tenants.

**Analysis**

In the absence of any evidence to support the claims made by the landlord as against the tenants named in the application, the landlord's application must be dismissed.

**Conclusion**

For the reasons set out above, the landlord's application is hereby dismissed in its entirety 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: April 05, 2011.

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Residential Tenancy Branch