



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

At the beginning of the hearing, the Landlord's agent said the Tenants vacated the rental unit on October 31, 2011. As the tenancy has ended, I find that the Landlord's application for an Order of Possession is not necessary and it is dismissed without leave to reapply. I also find that the Landlord's application to recover the filing fee must be dismissed because the Landlord did not provide any evidence in support of her application including a copy of the One Month Notice to End Tenancy for Cause she was seeking to enforce. In the absence of the One Month Notice, the Landlord would not have been able to prove that she served the Tenants with an enforceable Notice to End Tenancy as required by s. 52 of the Act and therefore she would have been unsuccessful in her application for an Order of Possession.

### Conclusion

Consequently, the Landlord's application in its entirety is dismissed 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: November 01, 2011.

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Residential Tenancy Branch