



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MND MNDC MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for damage to the unit, site or property, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for unpaid rent or utilities, to keep all or part of the pet and or security deposit, and to recover the cost of the filing fee from the Tenants for this application.

Service of the hearing documents and original application was conducted in person by the Landlord to each Tenant on August 30, 2011.

Issue(s) to be Decided

1. Have the Tenants breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to obtain an Order of Possession and a Monetary Order pursuant to sections 55 and 67 of the *Residential Tenancy Act*?

Background and Evidence

At the outset of the hearing the Landlord advised that the situation has since changed and she wished to amend her application. She confirmed the Tenants vacated the property August 31, 2011 and she has since been able to conduct the move out inspection and acquire actual amounts for the items she wished to claim. After a brief discussion the Landlord requested to withdraw her application with leave to reapply.

Analysis

The Landlord has requested to withdraw her application, with leave to reapply, as the situation has changed now that the Tenants have vacated the property.

I note that the Landlord's initial application included, among other things, a request to retain the security deposit; accordingly I find she has made application to retain the deposit in accordance with the Act.

Conclusion

The Landlord's application has been withdrawn, with leave to reapply.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 18, 2011.

Residential Tenancy Branch