



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

OPR, MNR, MNSD, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Landlord stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord intended to rely upon as evidence were sent to the Tenant with the initials "J.K." at the rental unit, via registered mail, on August 12, 2012. The Landlord submitted Canada Post documentation that corroborates this statement.

The Landlord stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord intended to rely upon as evidence were sent to the Tenant with the initials "K.L." at the rental unit, via registered mail, on August 12, 2012. The Landlord submitted Canada Post documentation that corroborates this statement.

The Landlord stated that copies of the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord intended to rely upon as evidence were sent to the Tenant with the initials "A.B." at the rental unit, via registered mail, on August 12, 2012. The Landlord submitted Canada Post documentation that corroborates this statement.

The Landlord stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord intended to rely upon as evidence were sent to the Tenant with the initials "M.A." at the rental unit, via registered mail, on August 12, 2012. The Landlord submitted Canada Post documentation that corroborates this statement.

In the absence of evidence to the contrary, I find that these documents have been served to each Respondent in accordance with section 89 of the *Residential Tenancy Act (Act)*, however none of the Tenants appeared at the hearing.

On August 30, 2012 and September 04, 2012 the Landlord submitted additional documents to the Residential Tenancy Branch, which included a request for a monetary Order for damages to the rental unit. The Landlord stated that these documents were

not served to the Tenants. As these documents were not served to the Tenants they were not accepted as evidence for these proceedings.

As the Landlord has not served the Tenants with notice that he was making a monetary claim for damages to the rental unit, I decline to consider a claim for damages in these proceedings. The Landlord retains the right to file another Application for Dispute Resolution in which he claims compensation for damages.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession and to recover the filing fee from the Tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The Landlord stated that this tenancy began on June 29, 2012, that he had a tenancy agreement with all four Tenants, and that the Tenants were required to pay monthly rent of \$1,400.00 by the first day of each month.

The Landlord stated that he personally served the Tenant with the initials "M.A." with a One Month Notice to End Tenancy for Cause on June 27, 2012, which had a declared effective date of August 31, 2012. He stated that the Tenants vacated the rental unit sometime during the latter portion of August of 2012 and that he changed the locks to the rental unit on August 31, 2012.

### Analysis

Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that a One Month Notice to End Tenancy was served to one of the Tenant's on June 27, 2012, which declared that they must vacate the rental unit by August 31, 2012. Based on the evidence provided by the Landlord and in the absence of evidence to the contrary, I find that the Tenants complied with the Notice to End tenancy by vacating the rental unit by August 31, 2012.

As the Tenants have vacated the rental unit and the Landlord has legal possession of the rental unit, I find no reason to grant the Landlord an Order of Possession.

### Conclusion

As the Tenants vacated the rental unit in compliance with the Notice to End tenancy, I find that the Landlord did not need to file an Application for Dispute Resolution. I therefore dismiss the application to recover the filing fee from the Tenants for the cost of this Application for Dispute Resolution.

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: September 10, 2012.

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Residential Tenancy Branch