



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

For the tenants – CNR, FF

For the landlords - OPC, FF

### Introduction

This hearing was convened by way of conference call in response to both parties' applications for dispute resolution. The tenants applied to cancel a 10 day Notice to End Tenancy for unpaid rent and to recover the filing fee from the landlords for the cost of this application. The landlords applied for an Order of Possession for cause and to recover the filing fee from the tenants for the cost of this application.

The hearing went ahead as scheduled the landlords agent dialed into the conference call. The line remained open for 10 minutes however no one for the tenants dialed into the call. Based on this I find that the tenant has failed to present the merits of their application and the application is dismissed without leave to reapply.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*, sent via registered mail on October 04, 2012. Mail receipt numbers were provided by the landlord's agent in evidence. The tenants are deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

At the outset of the hearing the landlord's agent advised that the tenants are no longer residing in the rental unit, and therefore, the landlord withdraws the application for an Order of Possession. The landlord does however seek to recover the filing fee.

Conclusion

The tenants' application is dismissed without leave to reapply.

The landlord has withdrawn their application for an Order of Possession however as at the time of filing this application the tenants continued to reside in the rental unit I find the landlords are entitled to recover their **\$50.00** filing fee. I order that the landlords may deduct this filing fee from the tenants' security deposit and the balance of the deposit must be returned to the tenants or dealt with under s. 38 of the *Residential Tenancy Act*.

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: October 19, 2012.

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Residential Tenancy Branch