



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MND MNR MNSD MNDC FF

### Introduction

This hearing was convened as a result of the landlord's application for dispute resolution seeking remedy under the *Residential Tenancy Act* (the "*Act*"). The landlord applied for an order of possession for unpaid rent or utilities, for 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, for authorization to keep all or part of the security deposit, and to recover the filing fee.

Two tenants, HH and MD, and the landlord appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties were given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

### Preliminary and Procedural Matter

At the outset of the hearing, tenant HH testified that he did not understand the monetary claim of the landlord as the landlord had not provided details of the amounts being claimed.

I find the landlord failed to specify a detailed breakdown of his monetary claim including the amount of each item and what each item being claimed represents. For this reason, and in accordance with section 59 of the *Act*, **I dismiss the landlord's monetary claim with leave to reapply.** The landlord is reminded to provide the details of his claim and is encouraged to use the Monetary Worksheet available at [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca) when submitting a monetary claim. The landlord may include any additional pages to set out the details of his dispute in his application, as required. As a result of the above, the hearing proceeded with the consideration of the landlord's request for an order of possession for unpaid rent or utilities.

Issue to be Decided

- Is the landlord entitled to an order of possession for unpaid rent or utilities?

Background and Evidence

The parties agree that a fixed term tenancy began on March 11, 2012. Monthly rent in the amount of \$1,486.28 was due on the 15<sup>th</sup> day of each month. The parties also agree that a security deposit of \$712.50 was paid at the start of the tenancy.

The tenants vacated the rental unit on February 28, 2013. The landlord confirmed that he has received possession of the rental unit back as he subsequently re-rented the rental unit to new tenants effective May 1, 2013.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

**I find** the landlord already has possession of the rental unit back as the tenants vacated the rental unit on February 28, 2013 and the landlord has subsequently re-rented the rental unit effective May 1, 2013.

Therefore, **I dismiss** the landlord's request for an order of possession as he already has possession of the rental unit.

Conclusion

I grant the landlord leave to reapply for the monetary claim described earlier in this decision.

I dismiss the landlord's application for an order of possession as the landlord already has possession of the rental unit.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 17, 2013

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Residential Tenancy Branch

