



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Moberly Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$2750.00, and a request for recovery of the \$50.00 filing fee; however I am unable to deal with the request for a Monetary Order for \$2750.00, because the applicant did not serve the Notice of Hearing in a method allowed for a monetary claim.

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the Notice of Hearing was posted on the respondent's door on May 23, 2013; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

- Is the landlord entitled to an Order of Possession?
- If the landlord entitled to recovery of the filing fee?

Background and Evidence

At the beginning of the hearing the landlord stated that the tenant has vacated the rental unit and therefore they no longer require an Order of Possession; however the tenant did not vacate until after they applied for dispute resolution.

Analysis

As stated above I am unable to deal with a monetary portion of the claim.

The landlord has withdrawn the application for an Order of Possession as the landlord already has possession; however since the tenant did not vacate until after the landlord applied for dispute resolution I will award recovery of the filing fee.

Conclusion

The monetary portion of this claim is dismissed with leave to reapply.

The request for an Order of Possession has been withdrawn.

I have issued an order against the respondent in the amount of \$50.00 for recovery of the filing fee.

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: June 13, 2013

Residential Tenancy Branch