



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction and Preliminary Matter

This hearing was convened to deal with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for an order of possession for the rental unit.

The parties attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

At the outset of the hearing, the tenant acknowledged receiving the landlord's evidence and that she had not filed evidence.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the tenant entitled to an order of possession for the rental unit?

Background and Evidence

This tenancy began on March 1, 2014, monthly rent is \$1000, and the tenant paid a security deposit of \$500.

Issues involving this tenancy arose and as a result, the tenant signed a document entitled "Termination of Tenancy by Tenant," dated April 2, 2014, stating she was vacating the rental unit on or before the last day of April 2014.

On April 11, 2014, the tenant filed her application seeking an order of possession for the rental unit.

In response to my question, the tenant confirmed that as of the date of the hearing, she had not vacated the rental unit and still resided there.

Analysis and Conclusion

Section 54 of the Act states a tenant may make an application requesting an order of possession if the tenant, under the terms of a tenancy agreement, is entitled to occupy the rental unit and has not been allowed to do so by the landlord.

In the case before me, the tenant presently has possession of the rental unit, has had possession since the tenancy began, and therefore, I find her application is moot.

I therefore dismiss her application, without 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* and is being mailed to both the applicant and the respondent.

Dated: June 03, 2014

Residential Tenancy Branch

