



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF
CNR, OLC, ERP, RP, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Landlord and the Tenants.

The Landlord applied for an Order of Possession and a Monetary Order for unpaid rent, money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), to keep the Tenants' security deposit, and recovery of the filing fee.

The Tenants applied for the following: to cancel the notice to end tenancy; for the Landlord to comply with the Act, regulation or tenancy agreement; for the Landlord to make repairs and emergency repairs; and, to recover the filing fee.

Both Tenants appeared for the hearing and provided affirmed testimony. The Tenants had not submitted any written evidence prior to this hearing but testified that they had e-mailed their written evidence to the Residential Tenancy Branch. The Tenants were informed that written evidence for a hearing cannot be served by e-mail to the Residential Tenancy Branch which was the reason why it was not before me during the hearing.

There was no appearance for the Landlord for the 20 minute duration of the hearing despite the Landlord making an Application which was scheduled to be heard on the same date and time as the Tenants' Application; however, the Landlord submitted a copy of the notice to end tenancy in written evidence prior to the hearing.

The Tenants testified that they had served a copy of their Application to the Landlord by registered mail. The Canada Post tracking number was provided as evidence for this method of service during the hearing, which was noted in the file. The Canada Post website indicates that the Landlord received and signed for the documents on June 6,

2014. Based on this evidence, I find that the Tenants served the Landlord with the required documents for this hearing in accordance with the Act.

The Tenants testified that they had moved out of the rental suite on June 27, 2014 and had made the Application as a precaution and based on information they had been given by the Residential Tenancy Branch.

As a result, I informed the Tenants that there were no further findings or decisions for me to make on their Application as the tenancy had now ended and the rental suite had been vacated. As there was no need for me to hear the Tenants' Application, I dismiss their Application including the recovery of the filing fee.

As the Landlord failed to appear for the hearing and the Tenants were ready to proceed, I dismiss the Landlord's Application.

Conclusion

The Applications of the Landlord and the Tenants are dismissed.

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: July 22, 2014

Residential Tenancy Branch

