



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, MNR, O, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for landlord's use of property, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67;
- other remedies, identified as a monetary order for damage to the unit and unpaid utilities, pursuant to section 67;
- authorization to recover the filing fee from the tenant, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 48 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses.

At the outset of the hearing, the landlord testified that the tenant had vacated the rental unit as of April 2, 2015, when the landlord's daughter checked the property. The landlord confirmed that she no longer required an order of possession pursuant to a 2 Month Notice to End Tenancy for Landlord's Use of Property, dated December 28, 2014 ("2 Month Notice").

The landlord further testified that she had not yet ascertained the amount of damage to the rental unit or received the utility bills for the rental unit, to be able to pursue her application for other relief. The landlord withdrew her application for other relief.

The landlord testified that she was unsure of the monetary order that she was seeking for unpaid rent. The landlord indicated that she was aware of the provisions of section 51 of the *Act* allowing the tenant one month's free rent as compensation pursuant to a 2 Month Notice, but that it had not yet been applied and she was unsure as to the time period as to when this would apply. The landlord confirmed that she wished to withdraw her application for a monetary order for unpaid rent and apply at a later date together with her future application for unpaid utilities and damage to the unit.

During the hearing, I advised the landlord that she was not entitled to recover her \$50.00 filing fee for this application from the tenant, as the landlord withdrew her entire application at the hearing.

### Conclusion

The landlord's application to recover the filing fee is dismissed. The remainder of the landlord's application is withdrawn.

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: May 01, 2015

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Residential Tenancy Branch