



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

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

- an early end to this tenancy and an Order of Possession, pursuant to section 56;
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

Both parties attended the hearing and were each given a full opportunity to be heard, to present sworn testimony, to make submissions, and to call witnesses. The landlord's advocate, DW, attended to assist the landlord, particularly as the landlord has a hearing impairment. The landlord intended to call her son, ZO, as a witness but his testimony was not required for this hearing and he did not testify.

At the outset of the hearing, the landlord confirmed that she had filed a direct request application against the tenant on August 11, 2015 and she was awaiting the outcome of that application. The file number for that application appears on the front page of this decision. I advised both parties during this hearing that a decision, dated August 14, 2015, had already been made for that application, which granted an order of possession to the landlord against the tenant. I notified the parties that the decision had not yet been mailed to the parties but that it would likely be mailed out shortly. I advised the parties that because the landlord was seeking the same relief at this hearing as in her direct request application, the issue was now moot, as the order of possession had already been granted by an Adjudicator of the Residential Tenancy Branch. Consequently, I notified the parties that there was no need to proceed with the hearing on a moot issue.

The tenant attempted to make submissions regarding unpaid rent and the direct request application during this hearing but I cautioned the tenant that I could not hear evidence with respect to that application. I advised the tenant that a direct request proceeding is a non-participatory hearing and that the parties do not participate in a conference call. I notified the tenant that she could apply for a review of the direct request decision, if applicable, once she received a copy.

Conclusion

As I was not required to make a decision on the merits of this case, the landlord is not entitled to recover the \$50.00 filing fee for this application. The landlord must bear the cost of this filing fee.

The remainder of the landlord's application, for an early end to tenancy and an order of possession, is dismissed with 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*.

Dated: August 14, 2015

Residential Tenancy Branch