



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: O, FF
 Tenants: O, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession. The tenants' Application did not indicate what resolution they were seeking.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on July 6, 2016 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

In addition, this hearing was originally set in response to the tenants' Application for Dispute Resolution filed on June 27, 2016.

Based on the testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 44, 55, 67, and 72 of the *Act*.

It must also be decided if the tenants are entitled the resolution they were seeking which was never clarified and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Analysis

In the absence of the tenants I dismiss their Application for Dispute Resolution in its entirety without leave to reapply.

At the outset of the hearing the landlord testified the tenants vacated the rental unit on July 31, 2016. As such, I find the landlord does not require an order of possession.

However, based on the written submissions of both parties I accept that the landlord was unsure as to whether or not the tenants would vacate the rental unit either in accordance with the tenancy agreements submitted or the tenants' own notice to end the tenancy. As such, I find it reasonable to submit an Application for Dispute Resolution seeking an order of possession.

As a result, I find the landlord is entitled to recover the filing for her Application.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$100.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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 10, 2016

Residential Tenancy Branch

