



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STROSHIN MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an Order of Possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two tenants did not attend this hearing, which lasted approximately 27 minutes. The landlord’s two agents, CM and JC (collectively “landlord”) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord’s two agents confirmed that they had authority to represent the landlord company named in this application at this hearing.

At the outset of this hearing, the landlord confirmed that the tenants had already vacated the rental unit and an order of possession was not required by the landlord. Accordingly, the landlord’s application for an order of possession is dismissed without leave to reapply.

The landlord withdrew its application for monetary order for unpaid rent, due to service issues of the landlord’s written evidence. I notified the landlord to consult sections 71 and 89 of the *Act*, regarding service of the landlord’s future application, if it chooses to file one.

As advised to the landlord during the hearing, since the landlord did not pursue its application at this hearing and I was not required to make a decision on the merits of the claim, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlord's application for a monetary order for unpaid rent is withdrawn with leave to reapply.

The remainder of the landlord's application is dismissed 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*.

Dated: December 12, 2016

Residential Tenancy Branch