



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, 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 landlords applied 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, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 13 minutes. The landlord, BS ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had authority to represent DS, the other landlord named in this application, as an agent at this hearing. The hearing began at 11:00 a.m. and the landlord called into the teleconference late at 11:05 a.m.

At the outset of this hearing, the landlord confirmed that the tenant had already vacated the rental unit and he did not require an order of possession. Accordingly, the landlords' application for an early end to tenancy and an order of possession is withdrawn.

As the landlords did not pursue their application at this hearing and I was not required to make a decision on the merits of the landlords' application, I find that the landlords are not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlords' application for an Order of Possession is withdrawn. The landlords' application to recover the \$100.00 filing fee 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 06, 2016

Residential Tenancy Branch

