



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Only the tenant/respondent attended the hearing and gave sworn testimony. The tenant agreed they received the 10 Day Notice to end Tenancy dated September 12, 2017 to be effective September 22, 2017 and the One Month Notice to End Tenancy for cause dated August 12, 2017. She said she received the Application for Dispute Resolution by registered mail. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. The landlord applies pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67;
- b) An Order of Possession pursuant to Sections 46, or 47 and 55;
- c) To retain the security deposit to offset the amount owing; and
- d) To recover filing fees for this application.

Issue(s) to be Decided:

Is the landlord entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Only the tenant/respondent attended and was given opportunity to be heard, to present evidence and to make submissions. She said the tenancy commenced April 1, 2017 for the second term, her rent was \$1200 and she had a security deposit of \$600. She said she paid September's rent and there was a hearing in November 2017 on her application to dispute the landlord's notice. The landlord was given an Order of Possession then and she vacated on November 12, 2017 in accordance with the Order. She denies she owes rent as stated by the landlord but may owe rent for October 2017. She said the landlord harassed her constantly in November and she does not believe she owes any rent for that month. The landlord claims an Order of Possession and a monetary order for rental arrears from September to December 2017.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

Based on the tenant's evidence, I find the landlord already obtained an Order of Possession in a previous hearing and the tenant has vacated.

Monetary Order

I find insufficient evidence to support that rent is owed and the amount. I dismiss this portion of the landlord's claim.

Conclusion:

I dismiss the landlord's application and find him not entitled to recover filing fees paid for this application due to his lack of success.

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, 2017

Residential Tenancy Branch