



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNR, MNSD

### Introduction

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

- an order of possession for cause, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67;
- authorization to retain the tenants' security deposit, pursuant to section 38; 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 8 minutes. The two landlords, male landlord ("landlord") and "female 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.

At the outset of the hearing, the landlord confirmed that both tenants had vacated the rental unit and he did not require an order of possession. I informed the landlords that this portion of their application was dismissed without leave to reapply and they would not be able to reapply for the same relief in the future. They confirmed their agreement and understanding of same.

The landlord confirmed that both parties had settled the monetary issues and that the tenants had agreed that the landlords could keep their security deposit due to damages in the rental unit. He stated that he did not want to pursue this relief at this hearing, due to the settlement. Accordingly, these portions of the landlords' application are withdrawn and dismissed with leave to reapply.

As the filing fee is a discretionary award issued by an Arbitrator usually when a party is fully successful on the merits of their application after a full hearing, I decline to award

the \$100.00 application filing fee to the landlords as they did not pursue their application at this hearing. This portion of their application is dismissed without leave to reapply.

Conclusion

The landlords' application for an order of possession for cause and to recover the \$100.00 application filing fee, is dismissed without leave to reapply.

The remainder of the landlords' application 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: January 08, 2018

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Residential Tenancy Branch