



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, OPRM-DR

Introduction

On February 8, 2018, an adjudicator appointed pursuant to the *Residential Tenancy Act* (the *Act*) considered the landlord's application for dispute resolution using the Residential Tenancy Branch's direct request process. As the adjudicator did not believe there was sufficient information provided whereby she could make an *ex parte* hearing of this matter, she adjourned the landlord's application to a participatory hearing by her Interim Decision of February 8, 2018.

I have been delegated authority to consider the landlord's application for the following in this participatory hearing:

- an Order of Possession for unpaid rent pursuant to sections 46 and 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 10:45 a.m. to enable them to call into the teleconference hearing scheduled for 10:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Is the landlord entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Background and Evidence

Service of Documents on Tenant/Respondent

There is no documentary evidence filed which proves that the landlord served the tenants with copies of the Interim Decision and the Notice of Reconvened Hearing, and additional written evidence, as was

required by the Interim Decision of February 8, 2018. As the tenants did not attend the reconvened hearing today as a preliminary matter I must determine if it is possible to proceed with a hearing on the merits.

While exploring this issue with the landlord he confirmed that he had in fact commenced another application that had already resulted in his receiving both an Order of Possession and a Monetary Order based on the exact same facts that relate to the matter before me today.

The landlord confirmed that he was not seeking any further remedy as against the tenants today that I could provide rather, want a "record" of what had been done to him. I explained that I could not help him with this given the privacy protections as set out in the applicable legislation and he said he understood but felt the laws should be changed.

Analysis

The landlord is seeking: an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*; a monetary compensation for unpaid rent pursuant to section 67 of the *Act* and; recovery the filing fee for this application pursuant to section 72 of the *Act*.

The landlord has already received the possession and monetary orders he was seeking today via another application and, confirmed that the tenants were evicted by a bailiff on March 19, 2018. He is not seeking any further relief today that I have the power to grant.

Conclusion

I dismiss the landlord's application 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: April 17, 2018

Residential Tenancy Branch