



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FFL

### Introduction

On August 28, 2018, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) to enforce a One-Month Notice to End Tenancy for Cause, (the “Notice”) dated September 4, 2018, and to recover the cost of the filing fee for this application. The matter was set for a conference call.

Both the Landlords and the Tenant attended the hearing and were each affirmed to be truthful in their testimony. The Landlords and Tenant were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. The parties testified that they exchanged the documentary evidence that I have before me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

- Are the Landlords entitled to an order of possession pursuant to section 47 of the *Act*?
- Is the Landlord entitled to recover the cost of the filing fee?

### Background and Evidence

The parties testified that the tenancy began on April 1, 2017. Rent in the amount of \$1,200.00 is to be paid by the first day of each month and Tenant paid the Landlords a \$500.00 security deposit and a \$500.00 pet damage deposit.

Both parties agreed that the Tenant moved out and returned possession of the rental to the Landlords on August 31, 2018.

### Analysis

Based on the evidence before me, the testimony of the Landlords and the Tenant, and on a balance of probabilities, I find that the Tenant moved out in accordance with the Landlords' Notice dated July 19, 2018.

I find that this tenancy has already ended in accordance with the Act and that there is no requirement for an Order of Possession. Therefore, I dismiss the Landlords' application for an Order of Possession of the rental unit.

Section 72 of the *Act* gives me the authority to order the repayment of a fee for an application for dispute resolution. As the Landlords were unsuccessful in their application, I decline to award the Landlords the recovery of their filing fee paid for this application.

### Conclusion

The Landlords' 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: October 12, 2018

---

Residential Tenancy Branch