



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) and for the recovery of the filing fee paid for this application.

An agent for the Landlord (the “Agent”) was present for the teleconference hearing, while no one called in for the Tenant during the approximately 11-minute hearing. As the Tenant was not present, service of the Notice of Dispute Resolution Proceeding package was addressed.

The Agent provided affirmed testimony that the Notice of Dispute Resolution Proceeding package, along with copies of the Landlord’s evidence was posted on the door of the rental unit. The Agent did not remember the exact date it was posted, but stated that it was in September 2018 and that he was present when the Landlord posted the package to the door. I find that the Tenant was duly served with the Notice of Dispute Resolution package in accordance with Section 89(2) of the *Act*.

Issues to be Decided

Is the Landlord entitled to an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid rent?

Should the Landlord be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

At the outset of the hearing, the Agent stated that the Tenant had moved out of the rental unit at the end of September 2018 or beginning of October 2018. He confirmed that the Landlord had possession of the rental unit back and therefore no longer required an Order of Possession.

As the tenancy has ended, the hearing did not continue.

Analysis

As the tenancy has already ended and the Agent for the Landlord confirmed that the Landlord has possession of the rental unit back, I find that an Order of Possession is no longer necessary.

Instead, I dismiss the Landlord's Application for an Order of Possession. As the Landlord's Application is dismissed, I decline to award the recovery of the filing fee paid for the Application for Dispute Resolution.

Conclusion

The Application for Dispute Resolution 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 17, 2018

Residential Tenancy Branch