



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPM, OPN, MND, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for the cost of repairs and cleaning and the filing fee.

The notice of hearing was served on the tenant on November 29, 2018 in person in the presence of a witness. The landlord filed a proof of service document into evidence. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The parties entered into a mutual end to tenancy agreement with an effective date of November 30, 2018. The landlord testified that the tenant moved out on November 29, 2018 without providing the landlord with a forwarding address.

The landlord amended his application on December 03, 2018 to include an increase in the amount of his monetary claim. The landlord agreed that he had not served the tenant with a copy of his amended claim. Accordingly, I am unable to use this evidence in the making of this decision.

The landlord's original application which was made prior to the end of tenancy included a monetary claim for the cost of repairs. The landlord testified that he has not started the work of cleaning and repairs and did not have any documentary evidence by way of photographs or invoices to support his monetary claim. Since the tenancy has recently ended, I dismiss the landlord's application for the cost of repairs with leave to reapply.

Since the tenant has moved out, the landlord's application for an order of possession is moot and accordingly dismissed.

The landlord's application for an order of possession was made prior to the effective date of the mutual end to tenancy agreement. Accordingly the landlord's application was premature and therefore the landlord must bear the cost of filing his application.

Conclusion

The landlord's application for a monetary order for the cost of cleaning and repairs 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: December 17, 2018

Residential Tenancy Branch