



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlords under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a mutual agreement to end the tenancy, and for the recovery of the filing fee paid for the Application for Dispute Resolution.

Two agents for the Landlords (the “Agents”) were present for the teleconference hearing while no one called in for the Tenants. The Agents were affirmed to be truthful in their testimony and confirmed that the Notice of Dispute Resolution Proceeding package and a copy of the Landlord’s evidence was sent to each Tenant by registered mail.

The registered mail tracking numbers were provided and are included on the front page of this decision. Entering the tracking numbers on the Canada Post website confirms that four of the packages were delivered and one was refused. As such, I find that each Tenant was duly served in accordance with Sections 88, and 89 of the *Act*.

Issues to be Decided

Are the Landlords entitled to an Order of Possession based on a mutual agreement to end the tenancy?

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

Background and Evidence

The Agents testified that the Tenants moved out of the rental unit on May 9, 2019. They confirmed that they were no longer seeking an Order of Possession as the Landlords have possession of the rental unit back. The Agents submitted a Monetary Order Worksheet into evidence and provided testimony that they were seeking compensation for unpaid rent. The Agents confirmed that they did not apply for monetary compensation and did not submit an amendment form.

Analysis

Rule 2.2 of the *Residential Tenancy Branch Rules of Procedure* states that the claim is limited to what is stated on the application. As the Landlord's application did not include a claim for monetary compensation, I decline to award any monetary compensation. Both parties are at liberty to file a new Application for Dispute Resolution should there be any additional claims resulting from this tenancy.

I accept the testimony of the Agents that the tenancy has ended, and they are therefore no longer seeking an Order of Possession. I decline to award recovery of the filing fee paid for the Application for Dispute Resolution. The Landlord's application is dismissed, without leave to reapply.

Conclusion

This tenancy has ended. 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: May 21, 2019

Residential Tenancy Branch