



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1094810 BC LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPT, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for the rental unit, pursuant to section 54; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two tenants did not attend this hearing, which lasted approximately 14 minutes. The landlord's agent ("landlord") and the tenants' agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed that he was the sole shareholder for the landlord company named in this application and that he had permission speak on its behalf. The tenants' agent confirmed that he had permission to represent the tenants at this hearing.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package and the tenants' agent confirmed receipt of the landlord's evidence package. In accordance with sections 88, 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' application and the tenants were duly served with the landlord's evidence package.

The tenants' agent confirmed that the tenants vacated the rental unit and moved in to a new unit. He said that they did not intend to return to the rental unit and they did not require an order of possession. I informed both parties that the tenants' application to obtain an order of possession was dismissed without leave to reapply.

The tenants' agent claimed that the tenants wanted a monetary order for the return of their security deposit and rent. I notified him that the tenants would be required to file a new application for dispute resolution to obtain this relief, as it was not part of this current application or hearing.

I informed both parties that the filing fee is a discretionary award issued to a successful party after a full hearing on the merits. As I was not required to have a full hearing on the merits and make a decision, I decline to award the \$100.00 filing fee to the tenants.

Conclusion

The tenants' entire 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: September 03, 2019

Residential Tenancy Branch