



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAHKAR HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFT OPT

Introduction

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

- an Order of Possession of the rental unit pursuant to section 54; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

MG appeared as agent for the landlord in this hearing. Both parties were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. At 9:44 A.M. the tenant NC disconnected from the hearing for unknown reasons. I waited until 9:50 A.M. in order to allow the tenant to re-join the hearing. As the tenant did not re-join the hearing, and as I determined that the matter was already heard, the hearing ended at 9:50 A.M.

The landlord confirmed receipt of the tenants' application for dispute resolution ('applications'), which was served by way of registered mail. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was deemed served with the tenants' application.

At the outset of the hearing, the landlord's agent testified that as of October 22, 2019, the rental unit was re-rented to two tenants for the same monthly rent of \$3,050.00, and the unit is no longer vacant. The landlord testified that the unit will be occupied for at least a 1 year term, as the tenants have recently re-located for employment purposes. The landlord testified that the tenants required immediate possession as the tenants were residing in short-term accommodations.

I accept the landlord's sworn testimony that the unit is no longer vacant. As the unit is now occupied, I am unable to consider the remedy that the tenants are seeking in their

application. Accordingly, 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: October 25, 2019

Residential Tenancy Branch