



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MACGREGOR REALTY &

MANAGEMENT and [tenant name suppressed to protect  
privacy]

Dispute Codes

OPC, FFL

**DECISION**

## Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an order of possession for cause, pursuant to sections 47 and 55 of the *Act*, and
- for an authorization to recover the filing fee for this application pursuant to section 72.

Although I left the teleconference hearing connection open until 1:47 P.M. to enable the tenants to call into this teleconference hearing scheduled for 1:30 P.M., the tenants did not attend this hearing. The landlord representative DM (“the landlord”) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

I accept the landlord’s testimony that the tenants were served with the Notice of Hearing and evidence (the Materials) by registered mail on February 05, 2020 (the tracking numbers provided are on the cover page of this decision). The tenants are deemed served on February 10, 2020, in accordance with sections 89(2)(b) and 90 (a) of the *Act*.

## Preliminary Issue – Vacant Rental Unit

The landlord affirmed he received an email from the tenants on March 05, 2020 informing they moved out of the rental unit on March 01, 2020. On March 06, 2020 the landlord inspected the rental unit and confirmed the rental unit is vacant.

The application for an order of possession is moot since the tenancy has ended and the landlord has possession of the rental unit.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for an order of possession.

#### Filing Fee

The One Month Notice to End Tenancy for Cause (the Notice) submitted as evidence is dated February 05, 2020. The effective date of the Notice is March 31, 2020. This application was filed on February 05, 2020.

The tenants moved out of the rental property on March 01, 2020.

As the tenants moved out before the effective date of the Notice, there was no need for the Landlord to apply for Dispute Resolution.

Accordingly, the landlord must bear the cost of his filing fee.

The landlord is cautioned to follow the provisions of section 38 of the Act in regard to the security deposit.

#### Conclusion

I dismiss the landlord's application in its entirety.

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: March 10, 2020

---

Residential Tenancy Branch