



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FFL

### 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.

The landlord was represented by ES and KH. Tenants DT and CS also attended.

At the outset of the hearing both parties agreed the rental unit was vacated on the effective date of the One Month Notice to End Tenancy for Cause (the Notice), February 29, 2020.

The tenant affirmed the security deposit was returned.

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.

As the tenants moved out on or 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.

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: April 30, 2020

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Residential Tenancy Branch