



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

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

- an order of possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 19 minutes. Landlord RB ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had permission to represent the other two landlords named in this application.

The landlord stated that the other two landlords were on a conference call with him during the hearing. When I asked the other two landlords to identify themselves, they refused. They all began speaking in a different language and would not respond to me. Therefore, I asked the landlord to call back into the hearing alone, as he was the only person who would respond to me during the hearing.

Rule 7.6 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* states the following:

7.6 Identification of people present at a dispute resolution hearing
Each participant must identify all people who are present with them at the start and anyone who joins them at any time during a hearing.

At the outset of the hearing, the landlord confirmed that the tenants vacated the rental unit on September 14, 2020. He stated that he did not require an order of possession against the tenants. He said that he filed this application on the date that the tenants moved out.

I notified the landlord that one of the tenants named in this application was not included as a tenant on the written tenancy agreement provided by the landlord. I also informed him that he did not include a surname for that tenant in this application. He claimed that the tenant did not have a surname.

I notified the landlord that the landlords' monetary claim for unpaid rent was dismissed with leave to reapply. I notified the landlord that he obtained a priority hearing date because of the urgent nature of his application, since monetary applications are not priority issues and are scheduled for later hearing dates. I notified him that he could not bypass the hearing wait times by applying for an order of possession, particularly when he already knew the tenants had moved out, in order to obtain a quicker hearing date for a non-priority monetary issue.

I informed the landlord that his application to recover the \$100.00 filing fee was dismissed without leave to reapply.

Conclusion

The landlords' application for an order of possession and to recover the \$100.00 application filing fee is dismissed without leave to reapply.

The landlords' application for a monetary order for unpaid rent is dismissed with 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: November 09, 2020

Residential Tenancy Branch