



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR-PP, FFL

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the “*Act*”), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on unpaid rent pursuant to sections 46 and 55 of the *Act*, and for the recovery of the filing fee for this application pursuant to section 72 of the *Act*.

Preliminary Issue – Tenancy has ended

A dispute resolution hearing was conducted by an Arbitrator of the Residential Tenancy Branch on October 05, 2020 with respect to an application brought forth by the tenant concerning this tenancy (the file number for the application with respect to the October 05, 2020 proceeding is noted on the cover sheet of this decision).

Subsequent to the hearing, the Arbitrator rendered a decision dated October 05, 2020 in which she found, after hearing affirmed testimony from both parties, that the tenancy had ended on September 30, 2020.

The matter before me is the landlord’s Application for Dispute Resolution by Direct Request in which the landlord seeks an an Order of Possession based on unpaid rent. The landlord’s application was assigned for adjudication after the Arbitrator had already rendered her October 05, 2020 decision in which she found that the tenancy had ended.

Based on the foregoing, I find that since the tenancy has ended, the landlord’s request to obtain an Order of Possession has been rendered moot. Therefore, I find that since the tenancy has ended, there is no outstanding issue contained in the landlord’s application which needs to be adjudicated, and I dismiss the landlord’s application in its entirety without leave to reapply.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the landlord's application for an Order of Possession without leave to reapply.

I dismiss the landlord's application to recover the filing fee paid for this application 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: November 05, 2020

Residential Tenancy Branch