



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Real Property Management Central, Jiyan
Zhang and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR-DR, FF

Introduction, Preliminary and Procedural Matters-

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order of possession of the rental unit pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued to the tenant; and
- to recover the cost of the filing fee.

This dispute began as an application via the ex-parte and non-participatory Direct Request process and was adjourned to a participatory hearing based on the Interim Decision by an adjudicator with the Residential Tenancy Branch (RTB), dated January 12, 2021, which should be read in conjunction with this decision.

At the participatory hearing, the landlord's agent (landlord) attended the teleconference hearing. The tenant did not attend the hearing.

The landlord said the tenant has now vacated the rental unit and they no longer need an order of possession.

The landlord indicated they wanted to proceed on their monetary claim; however, I had to explain to the landlord that issue was not listed in their application for dispute resolution. The landlord believed they had made a monetary claim, but a review of the application shows it was not made.

I declined to consider any monetary claim of the landlord in this application, as it would be procedurally unfair to the tenant to not know the full claim against them.

The landlord was advised they could file a further application for dispute resolution seeking monetary compensation from the tenant for unpaid monthly rent and other matters.

For the above reason, I find the landlords' application seeking an order of possession of the rental unit due to the Notice is moot as the tenancy has ended.

As a result, I therefore dismiss the landlord's application, including their request to recover the filing fee.

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 1, 2021

Residential Tenancy Branch