



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL-S, FFL; OPR, MNRL-S, FFL

Introduction

This hearing dealt with the landlord's two applications pursuant to the *Residential Tenancy Act* ("Act") for:

- orders of possession for unpaid rent, pursuant to section 55;
- monetary orders for unpaid rent, pursuant to section 67;
- authorization to retain the tenant's security deposit, pursuant to section 38; and
- authorization to recover the filing fees for these applications, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 28 minutes. The landlord's agent ("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 was the property manager for the landlord company named in this application and that he had permission to speak on its behalf.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recording of a hearing by any party.

I explained the hearing process to the landlord. The landlord had an opportunity to ask questions. I informed the landlord that I could not provide legal advice to him. The landlord did not make any adjournment or accommodation requests.

At the outset of the hearing, the landlord confirmed that the tenant vacated the rental unit when the landlord went to inspect it on June 2, 2021. He confirmed that he did not require orders of possession against the tenant. I informed him that these portions of the landlord's applications were dismissed without leave to reapply. The landlord confirmed his understanding and agreement to same.

During the hearing, the landlord asked to withdraw the landlord's applications for monetary orders for unpaid rent and to retain the security deposit. He said that he did not amend the landlord's applications to increase the monetary claims. He claimed that he only sent a monetary order worksheet, dated June 10, 2021, including damages and other monetary claims to the RTB on June 23, 2021, less than 14 days prior to this hearing, but he did not serve these documents to the tenant since he moved out. I informed the landlord that these portions of the landlord's applications were dismissed with leave to reapply. He confirmed his understanding and agreement to same.

I notified the landlord that the landlord's applications to recover the \$100.00 filing fees, totalling \$200.00 for both applications, were dismissed without leave to reapply, since the landlord was not pursuing both applications at this hearing. The landlord confirmed his understanding and agreement to same.

Conclusion

The landlord's two applications for orders of possession and to recover the application filing fees totalling \$200.00, are dismissed without leave to reapply.

The landlord's two applications for monetary orders for unpaid rent and to retain the tenant's security deposit, are 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: July 05, 2021

Residential Tenancy Branch