



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR-PP, MNR-DR, 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 landlords for an Order of Possession based on unpaid rent and a Monetary Order.

The landlords submitted a signed Proof of Service Notice of Direct Request Proceeding which declares that on July 9, 2021, the landlords personally served the tenant the Notice of Dispute Resolution Proceeding - Direct Request. The landlords had the tenant and a witness sign the Proof of Service Notice of Direct Request Proceeding to confirm personal service.

Based on the written submissions of the landlords and in accordance with section 89 of the *Act*, I find that the Direct Request Proceeding documents were duly served to the tenant on July 9, 2021.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Are the landlords entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Are the landlords entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Analysis

I have reviewed all documentary evidence and I note that the landlords were successful in obtaining an Order of Possession through a different dispute resolution hearing which took place on July 12, 2021.

I find I cannot end a tenancy that has already been terminated. For this reason, the landlords' application for an Order of Possession for unpaid rent based on the 10 Day Notice dated June 2, 2021, is dismissed without leave to reapply.

In a Direct Request Proceeding, a landlord can only pursue rent owing related to a valid 10 Day Notice that was upheld. For this reason, the landlords' application for a Monetary Order related the 10 Day Notice dated June 2, 2021 is dismissed with leave to reapply.

As the landlords were not successful in this application, I find that the landlords are not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the landlords' application for an Order of Possession for unpaid rent based on the 10 Day Notice dated June 2, 2021 without leave to reapply.

I dismiss the landlords' application for a Monetary Order for unpaid rent with leave to reapply.

I dismiss the landlords' 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: July 15, 2021

Residential Tenancy Branch