



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, OPR, FFL

Introduction and Preliminary Matters

On May 3, 2022, the Landlords applied for a Dispute Resolution proceeding seeking an Order of Possession based on a mutual agreement to end tenancy pursuant to Section 55 of the *Residential Tenancy Act* (the “Act”), seeking an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent pursuant to Section 46 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

Landlord B.P. attended the hearing; however, neither Tenant attended at any point during the 20-minute teleconference. At the outset of the hearing, I informed B.P. that recording of the hearing was prohibited and he was reminded to refrain from doing so. As well, he provided a solemn affirmation.

He advised that each Tenant was served with a separate Notice of Hearing and evidence package by registered mail on May 4, 2022 (the registered mail tracking numbers are noted on the first page of this Decision). He testified that the tracking histories indicated that these packages were delivered. Based on this undisputed testimony, I am satisfied that each Tenant has been duly served the Landlords’ Notice of Hearing and evidence packages. As such, I have accepted this evidence and will consider it when rendering this Decision.

In addition, he advised that the Tenants gave up vacant possession of the rental unit on or around July 8, 2022.

As the Tenants have already given up vacant possession of the rental unit, it is not necessary to grant an Order of Possession to the Landlords.

As the Landlords were required to make this Application, I find that the Landlords are entitled to recover the \$100.00 filing fee paid for this Application. Pursuant to Sections 67 and 72 of the *Act*, I allow the Landlords to retain this amount from the security deposit in satisfaction of this debt outstanding.

Conclusion

Based on the above, as the Tenants have already given up vacant possession of the rental unit, the granting of an Order of Possession is a moot point.

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: August 12, 2022

Residential Tenancy Branch