



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDL-S, MNDCL-S, FFL

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("the Act") for:

- a monetary order for unpaid rent, and compensation for monetary loss or money owed under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72

Pursuant to Rule 6.11 of the RTB Rules of Procedure, the Residential Tenancy Branch's teleconference system automatically records audio for all dispute resolution hearings. In accordance with Rule 6.11, persons are still prohibited from recording dispute resolution hearings themselves; this includes any audio, photographic, video or digital recording. All parties confirmed that they understood.

Both parties attended the hearing, which commenced at 1:30 p.m., and ended at 2:38 p.m. The tenants testified that they had moved out on April 10, 2022. The landlords testified that they had received an email from the tenants on April 10, 2022 informing the landlords that they would be moving out on April 15, 2022. The landlords attended at the residence, and noticed a single key in the mail box on April 18, 2022.

The landlords testified that they have been out of the country, and have not had the opportunity to return home and retrieve the tenants' evidence package. After discussing the issues and claims referenced in the landlords' application, the landlords confirmed that they wished to withdraw their entire application at this time, with leave to reapply. On this basis, the landlords' monetary claims were withdrawn, with leave to reapply. No findings were made on the merits of these claims. I note that liberty to reapply is not an extension of any applicable timelines.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not required to make a decision on the merits of this case, the landlords are not entitled to recover the \$100.00 filing fee paid for this application. The landlords must bear the cost of this filing fee.

As both parties were present, the tenants confirmed that the landlords may serve any future applications or documents by way of email to the email addresses noted on the cover page of this decision.

The landlords confirmed their service address, which is also noted on the cover page of this decision. The landlords confirmed that they prefer personal service at that service address.

Although both parties confirmed their preferences for service of documents I note that the service requirements for documents related to a hearing are set out in sections 88 and 89 of the *Act*, as well as *RTB Rules of Procedure*. For more information see our website at: gov.bc.ca/landlordtenant. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: January 23, 2023

Residential Tenancy Branch