



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      **OPR-DR, 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 the landlord's Application for Dispute Resolution (Application) for: • an Order of Possession based on unpaid rent pursuant to sections 46 and 55 of the Act • a Monetary Order for unpaid rent pursuant to section 67 of the Act (\$4,294.00) • authorization to recover the filing fee for this application from the tenants pursuant to section 72 of the Act (\$100.00).

On January 13, 2022, the Application was considered, and it was determined that this matter should be adjourned to a participatory hearing, which was scheduled for today, February 24, 2023 at 9:30am.

The landlord attended. The landlord stated that one of the tenants gave notice to end tenancy and vacated the unit; however, the remaining tenant would not enter into a new tenancy and then failed to pay the rent.

The landlord stated that they believe the remaining tenant has vacated the rental unit. The landlord stated they have not been seen at the property for over a month, nor have their fobs that give access to the building been used and they have not paid rent. The landlord stated that they posted a notice of inspection and when they went into the rental unit most of their personal items had been removed.

The landlord stated that they now have possession of the rental unit. I find it unnecessary to grant the landlord an order of possession. The landlord was entitled to take possession under the Act, I find the tenancy has legally ended.

The landlord stated that they are not seeking a monetary order at today's hearing for unpaid rent. Therefore, I dismiss this portion of the landlord's claim 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: February 24, 2023

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Residential Tenancy Branch