



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This hearing dealt with the landlord's application filed on October 20, 2022 under the *Residential Tenancy Act* (the "Act") for:

- (i) an order of possession on an undisputed notice to end tenancy for unpaid rent under section 55(2)(b) of the Act;
- (ii) a monetary order for unpaid rent under section 55(1.1) of the Act; and
- (iii) an order to recover the cost of the filing fee under section 72 of the Act.

Preliminary Issue – order of possession already granted in previous hearing

The landlord affirmed that the landlord has already received an order of possession for the same rental unit in a previous hearing that was held on February 24, 2023. The current application before me for an order of possession is moot since there is already an existing order of possession relating to the same rental unit in effect.

Section 62(4)(b) of the Act states that an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute

that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for an order of possession.

Preliminary Issue – no rent currently outstanding

The landlord affirmed that there are no rent payments that are currently outstanding. Therefore, the current application for a monetary order for unpaid rent is moot since there is no unpaid rent.

Section 62(4)(b) of the Act states that an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for a monetary order for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to recover the cost of the filing fee?

Analysis

As the landlord's application for (i) an order of possession; and (ii) a monetary order for unpaid rent is dismissed, the landlord is not entitled to recover the \$100.00 filing fee for the cost of this application.

Conclusion

The landlord's application is dismissed 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: March 21, 2023

Residential Tenancy Branch