



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: OPR, MNR, MNSD, FF / CNC, AAT, FF

### Introduction

This hearing concerns 2 applications: i) by the landlord for an order of possession for unpaid rent or utilities / a monetary order as compensation for unpaid rent or utilities / retention of all or part of the security deposit / and recovery of the filing fee; and ii) by the tenants for cancellation of a notice to end tenancy for cause / an order instructing the landlord to allow access to (or from) the unit or site for the tenant or the tenant's guests / and recovery of the filing fee.

The tenants participated in the hearing and gave affirmed testimony. Despite service of the tenants' application for dispute resolution and notice of hearing (the "hearing package") on the landlord, and despite scheduling of the hearing in response to applications by both parties, the landlord did not appear.

### Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on or about October 1, 2011. Monthly rent of \$750.00 is due and payable in advance on the first day of each month, and a security deposit of \$375.00 was collected. A move-in condition inspection report was not completed.

The landlord issued a 1 month notice to end tenancy for cause dated August 29, 2012. The notice was served by way of posting on the tenants' door on September 2, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is October 1, 2012, and there are several reasons identified on the notice in support of its issuance. Subsequently, on September 4, 2012 the tenants filed an application to dispute the notice. Thereafter, however, the tenants

testified that they vacated the unit on or about September 21, 2012. A move-out condition inspection report was not completed.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Despite service of the tenants' hearing package on the landlord, and despite scheduling of the hearing in response to applications by both parties, the landlord did not attend the hearing. Accordingly, the landlord's application is hereby dismissed.

As the tenants vacated the unit subsequent to the issuance of the 1 month notice to end tenancy, and following the filing of their application for dispute resolution, their application is also hereby dismissed.

As to the disposition of the security deposit, the attention of the parties is drawn to section 38 of the Act which speaks to **Return of security deposit and pet damage deposit**.

### Conclusion

Following from all of the above, both applications are hereby dismissed.

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: October 05, 2012.

---

Residential Tenancy Branch