



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlords: OPR OPC MNR FF

For the tenants: CNC FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The landlords applied for an order of possession for unpaid rent or utilities and for cause, for a monetary order unpaid rent or utilities, and to recover the cost of the filing fee.

The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”), and to recover the cost of the filing fee.

The tenants attended the teleconference hearing scheduled for this date, Wednesday October 7, 2015 at 9:30 a.m., Pacific Time. The landlords did not attend the hearing. As the landlords did not attend the hearing to present the merits of their application, and the tenants did attend and were ready to proceed, the landlords’ application was **dismissed, without leave to reapply**, after the 10 minute waiting period had elapsed.

The tenants testified that they vacated the rental unit as of September 1, 2015, and as a result, I find that their application is now moot as the tenancy ended effective September 1, 2015 when the tenants vacated the rental unit. The tenants requested the recovery of the cost of the filing fee as they attended the hearing and were prepared to proceed with their application.

Conclusion

The landlords' application is dismissed in full without leave to reapply.

The tenants' application is now moot as the tenants have vacated the rental unit as of September 1, 2015, and the tenancy ended effectively on that date when they vacated the rental unit.

As the tenants attended the hearing and were prepared to proceed, I grant the tenants the recovery of the cost of their filing fee in the amount of \$50. The tenants are granted a monetary order pursuant to section 67 of the *Act* in the amount of \$50 accordingly which must be served on the landlords and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 7, 2015

Residential Tenancy Branch

