



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FFL

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The landlords applied for:

- an order of possession for cause, pursuant to sections 47 and 55 of the *Act*, and
- for an authorization to recover the filing fee for this application pursuant to section 72.

The landlords attended. The tenants did not attend.

At the outset of the hearing the landlords affirmed the neighbours of the rental unit informed them the tenants moved out. On May 02, 2020 the landlords served a 24-hour inspection notice and on May 03, 2020 the landlords inspected the rental unit. The landlords confirmed the rental unit was vacant and changed the locks.

The landlord affirmed the One Month Notice to End Tenancy for Cause (the Notice) was served in February and the effective date of the Notice is March 31, 2020. A partial copy of the Notice was submitted into evidence. Page one of the Notice is missing, as the document named "1_month_notice_page_1" is page 02.

The application for an order of possession is moot since the tenancy has ended and the landlords have possession of the rental unit.

Section 62(4)(b) of the *Act* states 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.

As page one of the Notice was not submitted into evidence, I can not confirm the effective date of the Notice. Consequently, I can not confirm if the tenants moved out before or after the supposed effective date of the Notice. Accordingly, the landlords must bear the cost of the filing fee.

Conclusion

I dismiss the landlord's application in its entirety.

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: May 08, 2020

Residential Tenancy Branch