

DECISION

Dispute Codes: ET, FF

Introduction

This is the Landlord's application to end the tenancy early and obtain an Order of Possession; and to recover the cost of the filing fee from the Tenants.

Preliminary Matter

At the onset of the Hearing, the Landlord advised that the Tenants had moved out of the rental unit on October 8, 2009. Therefore, the tenancy has ended and an Order of Possession is not required.

The Landlord testified that she served the Tenants with the Notice of Hearing documents by mailing the documents, by registered mail, to the Tenants on October 8, 2008. The Landlord provided tracking numbers for the registered mail. Documents served in this manner are deemed to be received 5 days after mailing, or on October 13, 2009, in this case. The Landlord did not serve the Tenants with the Notice of Hearing documents in time for the hearing and therefore the Landlord's application to recover the cost of the filing fee is dismissed without leave to reapply.

Conclusion

The Landlord's application is dismissed in its entirety, 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: October 9, 2009.
