



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the recovery of the filing fee.

The landlord testified that she served the tenant with the notice of hearing, application for dispute resolution and evidence package, on April 28, 2014 in person, in the presence of a witness.

Despite having been served with the notice of hearing, the tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started in August 2013. The monthly rent is \$850.00. Prior to moving in, the tenant paid a security deposit of \$425.00.

The landlord testified that on April 29, 2014, the male tenant informed the landlord that the female tenant had moved out and that he would be moving out too. At the time of the hearing the male tenant had moved out but had left behind some of his belongings. The landlord requested for an order of possession effective two days after service on the tenant and for the recovery of the filing fee.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice of hearing on April 28, 2014 but did not attend the hearing to dispute the landlord's application to put an early end to tenancy.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit towards the recovery of the filing fee.

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 14, 2014

Residential Tenancy Branch

