



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

ET

Introduction

This hearing dealt with an application by the landlord to end the tenancy early and obtain an Order of Possession as per Section 56 of the Residential Tenancy Act (the Act). The application is inclusive of an application to recover the filing fee for this application.

Despite having been served with the application for dispute resolution and notice of hearing, the tenant did not participate in the conference call hearing.

The landlord appeared in the hearing and also provided document evidence, which they also served on the tenant.

Issues(s) to be Decided

Does the landlord have sufficient cause as prescribed in section 56(2)(a) of the Act, and, would it be unreasonable or unfair to the landlord to wait for a Notice to End the tenancy under section 47 to take effect?

Background and Evidence

The undisputed testimony of the landlord is that the tenants have not paid all rent owing in the last two (2) months, and now appear they vacated the rental unit 2 weeks ago – leaving behind 20% of belongings. The landlord testifies that by all indications the tenant has moved.

Analysis

In this matter the landlord has reported that the tenants have apparently vacated. Under these circumstances the landlord is not entitled to an Order of Possession as the circumstances do not meet the test for an early end to the tenancy under Section 56 of the Act.

Section 44 of the Act, in relevant part states:

How a tenancy ends

44 (d) the tenant vacates or abandons the rental unit;

Therefore, the landlord's application for an early end to the tenancy is **dismissed**. Should the tenant not collect the remainder of their belongings The landlord is at liberty to deal with any personal property determined to be abandoned, in accordance with Part 5 – **Abandonment of Personal Property** of the Residential Tenancy Regulation.

As the landlord's application was not successful in their application, I decline to award the landlord recovery of the filing fee.

Conclusion

The landlord's application for an early end to the tenancy and an Order of Possession is **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: July 24, 2014

Residential Tenancy Branch

