



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ET FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlords on September 11, 2015 seeking to obtain an early end of tenancy (ET), an Order of Possession and to recover the cost of the filing fee from the Tenant for this application.

The hearing was conducted via teleconference and was attended by both Landlords. No one was in attendance on behalf of the Tenant. The female Landlord provided affirmed testimony on behalf of both Landlords. Therefore, for the remainder of this decision, terms or references to the Landlords importing the singular shall include the plural and vice versa, except where the context indicates otherwise

The Landlord testified that on September 12, 2015, she personally served the Tenant with a copy of her application and hearing documents in the presence of a witness. The Landlord asserted that a second package including copies of the hearing documents and application was sent to the Tenant via registered mail on September 11, 2015. Canada Post tracking information was submitted in the Landlord's oral testimony.

Based on the undisputed evidence of the Landlords, I find that the Tenant was sufficiently served notice of this hearing in accordance with Section 89(1) *Act*. Accordingly, I proceeded in absence of the Tenant.

### Issue(s) to be Decided

- 1) Has this tenancy already ended in accordance with the *Act*?
- 2) If not, has the Landlord proven the merits of their application for an ET?

### Background and Evidence

The Landlord submitted evidence that the Tenant entered into a month to month written tenancy agreement that began on July 1, 2015. The Tenant was given possession of the rental unit early on June 25, 2015. Rent of \$1,100.00 was due on or before the first of each month and on June 25, 2015 the Tenant and occupant paid a total of \$550.00 as the security deposit.

The Landlord gave evidence of two other applications for dispute resolution she had filed against this Tenant. Those application file numbers and hearing information are listed on the front page of this Decision.

The Landlord submitted that she was granted an Order of Possession on September 28, 2015. The Tenant filed an application for Review Consideration which was denied on October 7, 2015. The Landlord stated that she was issued a Writ of Possession from Supreme Court on October 8, 2015 and has hired a bailiff to remove the Tenant and occupants from the rental unit.

### Analysis

Section 58(2)(c) of the *Act* stipulates that if the director receives an application the director must determine the dispute unless the dispute is linked substantially to a matter that is before the Supreme Court.

In this case the tenancy ended in accordance with the *Act* on September 28, 2015 when the Landlord was issued an Order of Possession. The Order was upheld on October 7, 2015 when the Tenant's application for Review Consideration was denied. The Landlord has since been issued a Writ of Possession from Supreme Court.

Based on the above, I declined to hear the application for an ET as the tenancy has already ended and this matter is now significantly linked to the Supreme Court.

### Conclusion

I declined to hear the matter as the tenancy had already ended on September 28, 2015 and the matter is significantly linked to the Supreme Court.

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 09, 2015

---

Residential Tenancy Branch

