



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction and Preliminary Matters

This hearing was convened as the result of the landlords' application for dispute resolution under the Residential Tenancy Act ("Act"). The landlords applied for an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act and for recovery of the filing fee paid for this application.

The landlords attended; the tenant did not attend the hearing.

The landlord testified that they served the tenant with their application for dispute resolution and notice of hearing by registered mail on October 2, 2015, to her home address and that the mail was returned to them.

Based upon the submissions of the landlords, I accept the tenant was served notice of this hearing and the landlords' application in a manner complying with section 89(1) of the Act.

Upon inquiry, the landlords submitted that the tenant has now vacated the rental unit as of the weekend prior to the hearing.

Additionally, although the landlords submitted that they had filed a USB stick as supporting evidence for this hearing, the evidence was not located in the hearing file nor was evidence mentioned in the Residential Tenancy Branch ("RTB") system as having been received. In other words, there was no evidence before me for this hearing.

Although the tenant has now vacated the rental unit, the landlords still requested an order of possession for the rental unit.

Analysis and Conclusion

Section 56 of the Act allows a tenancy to be ended early without waiting for the effective date of a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") if there is evidence that a tenant has breached their obligations under the tenancy agreement or Act and it would be unreasonable or unfair to wait for the effective date of a 1 Month Notice.

I dismiss the landlords' application for an order of possession unit as the tenant has now vacated the rental unit and due to the lack of any supporting evidence of the landlords to establish that the tenant has breached her obligations under the tenancy agreement or Act.

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: November 9, 2015

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Residential Tenancy Branch

