



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction

On October 30, 2017, the Landlord submitted an Application for Dispute Resolution for an early end of tenancy and an order of possession for the rental unit. The matter was scheduled as teleconference hearing. The Landlords attended the hearing; however the Tenants did not.

The Landlords were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

### Preliminary and Procedural Matters

Section 56 of the *Act* states that a Landlord may make an application for dispute resolution to request an order to end a tenancy on a date that is earlier than the tenancy would end if notice to end the tenancy were given under section 47 and granting the Landlord an order of possession in respect of the rental unit. If an order is made under this section, it is unnecessary for the Landlord to give the Tenant a notice to end the tenancy.

Under section 56 of the *Act*, the director may end a tenancy and issue an order of possession only if satisfied, in the case of a Landlord's application, the Tenant or a person permitted on the residential property by the Tenant has done any of the following:

- significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
- seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
- put the landlord's property at significant risk;
- engaged in illegal activity that has caused or is likely to cause damage to the landlord's property,

- has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
- has jeopardized or is likely to jeopardize a lawful right or interest of another occupant or the landlord;
- caused extraordinary damage to the residential property, **and**,
- it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

### Background

The Landlord submitted that they issued a 1 Month Notice To End Tenancy For Cause dated October 28, 2017, to the Tenants. The Landlord applied for this hearing the day after serving the Tenants with the 1 Month Notice. The Tenants disputed the 1 Month Notice and a hearing for the dispute is scheduled for January 17, 2018.

The Landlord testified that the Tenants moved out of the rental unit on November 27, 2017, and they do not require an order of possession for the rental unit.

### Analysis

Since the Landlord has applied for an early end of tenancy, the only issue that I can determine in this hearing is whether or not the Landlord is entitled to an order of possession based on cause and an immediate risk to the Landlord or property.

Since the Tenants have moved out of the rental unit, there is no need to proceed with a hearing to determine whether or not the Landlord is entitled to an order of possession.

The Landlord's Application for an order of possession is dismissed.

### Conclusion

The Landlord applied for an early end of tenancy and an order of possession for the rental unit. The Tenants moved out of there rental unit prior to the hearing.

The Landlord does not require an order of possession for the rental unit. The Landlord's application 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: January 04, 2018

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Residential Tenancy Branch