



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER NATIVE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This is the landlord's Application for Dispute Resolution, under section 56 of the Residential Tenancy Act (the "Act"), seeking an order to end the tenancy earlier than the tenancy would end if a Notice to End Tenancy were given under section 47 and to obtain an order of possession for the rental unit.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on February 19, 2018, and successfully delivered to the tenant on February 20, 2018. A Canada post tracking number was provided as evidence of service. I find that the tenant has been duly served in accordance with the Act.

Issues to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's agent testified that on January 2, 2018, the tenant gave notice to end the tenancy effective January 31, 2018. The agent stated that because the tenant gave notice they found a new tenant for the rental unit and their tenancy was to commence on February 1, 2018. The agent stated that not only are they responsible for the

displaced tenant, the tenant has also not paid rent. The landlord's agent testified that the tenancy has legally end and should be entitled to an order of possession.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I this case, the landlord had applied to end the tenancy and obtain an order of possession pursuant to section 56 of the Act. However, I find the tenancy legally ended on January 31, 2018, by written notice by the tenant pursuant to section 45 of the Act. Therefore, I find it not necessary to consider the merits to end the tenancy pursuant to section 56 of the Act.

As the landlord applied for an order of possession, based on the written notice to end tenancy by the tenant, I find it appropriate to grant the landlord's request pursuant to section 55 of the Act.

Conclusion

The landlord's application pursuant to section 56 of the Act is not necessary for me to considered. The tenancy legally ended

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: March 26, 2018

Residential Tenancy Branch