



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HILLSIDE MANOR PROPERTY MANAGEMENT INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FFL

### Introduction and Conclusion

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on September 24, 2018, wherein the Landlord sought an early end to tenancy pursuant to section 56 of the *Residential Tenancy Act* as well as recovery of the filing fee.

The hearing was scheduled for teleconference at 9:30 a.m. on October 26, 2018. Only the Landlord called into the hearing at that time.

The Landlord confirmed that he attempted to serve the Tenant with Notice of the Hearing and his Notice of Application but she appeared to have vacated the rental unit at the time. Consequently, he was not able to serve the Tenant.

The Landlord also stated that he believes the Tenant moved from the rental unit on or about October 1, 2018. Introduced in evidence was a letter from the Tenant's neighbour who writes that on this date the Tenant provided her with the key to the subject rental unit and told her she had moved out.

As the Tenant vacated the rental unit, she has ended the tenancy pursuant to section 44(1)(d) of the *Residential Tenancy Act*.

The Landlord advised that it appeared as though the Tenant removed the majority of her personal possessions but left a tremendous amount of garbage and cat feces and litter; photos submitted by the Landlord confirm this testimony. The Landlord was cautioned to consider *Part 5* of the *Residential Tenancy Regulation* with respect to abandonment of personal property.

As the Tenant gave up possession of the rental unit on October 1, 2018, the Landlord's claim for an Order of Possession was no longer required.

Although the Landlord would normally be entitled to recover the filing fee pursuant to section 72 of the *Residential Tenancy Act*, I am unable to find the Tenant was served with notice of this hearing; as such, I dismiss the Landlord's claim for related compensation.

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 26, 2018

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Residential Tenancy Branch