



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord filed under *the Residential Tenancy Act*, (the “*Act*”), for an early end of tenancy pursuant to section 56 of the *Act* and an order to recover the cost of filing the application. The Matter was set for conference call.

The Landlord and the Property Manager attended the hearing and were affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered. Section 59 of the *Act* and 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 testified the Application for Dispute Resolution and Notice of Hearing had been posted to the Tenant door on August 31, 2018. Section 90 of the *Act* determines that a document served in this manner is deemed to have been served three days later. I find that the Tenant had been duly served in accordance with the *Act*.

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

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matter

The Landlord testified that the Tenant has moved out of the rental unit and that they were requesting to recover the outstanding rent in this hearing.

The Rules of procedure classify an application for an early end of tenancy as an Urgent Application. As such, this type of application is given priority in hearing scheduling times. For that reason, the Rules of Procedure have limited what matters can be heard in an Urgent Application. Section 2.5 of the Rules of Procedure state:

2.5 Urgent Application

Urgent applications may include applications under *Residential Tenancy Act* section 33, 54, 56.1 or 65

I find that it would be procedurally incorrect and unfair to the respondent, pursuant to the Rules of Procedure, to allow the Landlord's request to attach a matter under section 67 of the *Act* to these proceedings.

Therefore, I dismiss the Landlord's application for an early end of tenancy under section 56 of the *Act*, as I find that the tenancy has already ended.

As I have dismissed the Landlord's application, the Landlord is not entitled to recover the filing fee.

Conclusion

I dismiss the Landlord's application for an early end of tenancy and to recover her application fee.

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 5, 2018

Residential Tenancy Branch