



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET

### Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (“application”) by the landlord seeking remedy under the *Residential Tenancy Act* (“Act”) for an order of possession to end the tenancy early due to an immediate and severe risk to the rental property, other occupants or the landlord.

An agent for the landlord, JC, (“agent”) attended the teleconference hearing. The agent was affirmed and at the start of the hearing, the agent testified that the tenants texted the landlord on December 27, 2018, indicating that they had vacated the rental unit. As a result, the agent considered the rental unit abandoned as of December 27, 2018.

Given the above, I find that the tenancy ended by way of the tenants vacating the rental as of December 27, 2018 as stated by the agent. I also accept the agent’s testimony that the tenants were both served with the Notice of Dispute Resolution Hearing (“Notice of Hearing”) via separate packages by registered mail based on the two registered mail tracking numbers dated December 12, 2018, that I have included on the cover page of this decision for ease of reference. Section 90 of the *Act* states that documents served by registered mail are deemed served five days after they are mailed. I find the tenants were both deemed served as of December 17, 2018 as a result and that this application was unopposed as a result. I also find that this application is now moot as the tenancy ended on December 27, 2018, as noted above. Therefore, I find it is not necessary to consider this application as the tenancy has ended December 27, 2018.

Conclusion

The landlord's application is now moot as the tenants vacated the rental unit as of December 27, 2018, based on the undisputed evidence before me. Therefore, the landlord's application is dismissed without leave to reapply.

The decision will be emailed to both parties at the email addresses provided by the landlord for both parties in the landlord's application.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 7, 2019

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Residential Tenancy Branch