



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction and Conclusion

This hearing convened as a result of a Landlords' Application for Dispute Resolution, filed on December 27, 2018, wherein the Landlords sought an early end to tenancy pursuant to section 56(1) of the *Residential Tenancy Act*, as well as recovery of the filing fee.

The hearing was scheduled for 9:30 a.m. on January 24, 2019. Both Landlords called into the hearing at 9:35 a.m. The Tenant did not all into the hearing although I left the hearing open until 9:41 a.m.

At the outset of the hearing the Landlord, K.G., confirmed that the Tenant vacated the rental unit on December 31, 2018. As such, the Landlord's request for an Order of Possession was no longer required.

Although the Tenant vacated the rental unit prior to the hearing, it is notable that the Landlords applied for Dispute Resolution on December 27, 2018 and the Tenant moved out four days later; I find that the Tenant's decision to move was likely a result of the Landlords' Application and I therefore find that the Landlord should recover the \$100.00 filing fee. Pursuant to sections 38 and 72 of the *Act* I exercise my discretion and authorize the Landlord to retain \$100.00 from the Tenant's security deposit; the balance of the deposit shall be held in trust and dealt with in accordance with the *Act*.

The Landlords also stated that the Tenant failed to pay rent for three months. As the Landlords did not make a claim for monetary compensation for unpaid rent in their Application filed December 27, 2018, such a claim is not properly before me.

The Landlords are at liberty to apply for monetary compensation such as unpaid rent or damage to the rental unit. The Landlords are reminded to consider the service requirements set out in section 89 of the *Residential Tenancy Act*, as well as the rules set out in the *Residential Tenancy Branch Rules of Procedure* which govern all hearings before the Branch. The Landlords are further reminded of the time limit imposed by section 60.

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 24, 2019

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Residential Tenancy Branch