



# 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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Early Termination of Tenancy and Order for Possession due to the tenant posing an immediate and severe risk to the rental property pursuant to section 67 of the *Act*; and
- recovery of the filing fee from the tenant pursuant to section 72 of the *Act*.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. The landlord C.H. attended the hearing on behalf of both landlords and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

At the outset of the hearing, the landlord confirmed that the tenant moved out of the rental unit on April 1, 2019.

The landlord proceeded to request my opinion on how she should proceed regarding the handling of the security deposit associated with this tenancy and service of documents on the tenant. I explained to the landlord that the only matter before me was the issue pertaining to her application for early end to tenancy and that I was not permitted to provide legal opinions or advice to a party during an arbitration hearing. I

further explained to the landlord that there are strict timelines under the *Act* for the handling of the security deposit, and that she could contact the Residential Tenancy Branch to speak with an Information Officer for information in relation to her questions. The Information Officers at the Residential Tenancy Branch are accessible by telephone and email to provide information to both landlords and tenants regarding the process to be followed when a tenancy agreement is in dispute, the rights and responsibilities of both landlords and tenants, and the appropriate remedies available under the *Act*.

The landlord stated that this was not helpful to her and abruptly disconnected from the teleconference hearing at approximately 11:09 a.m.

As the landlord testified that the tenant has vacated the rental unit, I find that the landlord's application for an Order of Possession is now moot. Therefore, the landlord's application is dismissed in its entirety without leave to reapply.

#### Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession? Is the landlord entitled to recover the filing fee for this application from the tenant?

#### Conclusion

I dismiss the landlord's application for an early end to tenancy and recovery of the application filing fee, without leave to reapply.

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: April 09, 2019

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Residential Tenancy Branch