



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0781178 BC Ltd - Lion Hotel and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for an early end of the tenancy and an order of possession - Section 56; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. I accept the Landlord’s evidence, supported by a witness statement of service, that the Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) in person on June 15, 2019 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an early end of the tenancy and an order of possession?

Is the Landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy started six years ago. Rent of \$450.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$225.00 as a security deposit. On April 30, 2019 the Landlord issued a one month notice to end tenancy for cause (the “Notice”) and posted the Notice on the Tenant’s unit door. One of the

reasons included on the Notice is that the unit must be vacated to comply with government order. The Tenant did not dispute this Notice and moved out of the unit on the same day. The Landlord confirms that they have possession of the unit and that nobody other than the Landlord has access to the unit. The Landlord states that the Tenant has moved into another unit in the building that is rented by the Tenant's friend. The Landlord does not want the Tenant in the building and wants the unit to be empty of the Tenant's belongings so that it may be rented to another tenant. The Landlord also confirms that they are in the process of cleaning the unit. The Landlord provided as evidence for this hearing a copy of an order dated May 3, 2019 from the fire department. This order states that the unit shall not be occupied until it conforms with the regulations of the fire bylaw.

### Analysis

Section 44(1)(d) of the Act provides that a tenancy ends where the tenant vacates or abandons the rental unit. An application for an early end of the tenancy is predicated on an ongoing tenancy and is an emergency application. Based on the Landlord's undisputed evidence that the Tenant moved out of the unit on April 30, 2019 and is residing with another tenant in a different unit in the building, I find that the tenancy for the dispute unit ended on April 30, 2019. Consequently, I find that the Landlord does not require any early end of the tenancy at the dispute unit through these emergency proceedings. Further, as the tenancy has ended, and based on the Landlord's undisputed evidence that the Landlord has sole possession of the unit I find that the Landlord is not entitled to an order of possession. It appears that the Landlord is seeking resolution associated with the Tenant's belongings still being in the unit and the Tenant residing elsewhere in the building. These matters are not relevant to the Landlord's application for an early end of tenancy and I encourage the Landlord to speak with an information officer at the Residential Tenancy Branch (the "RTB") to obtain information about its rights and obligations in relation to the circumstances presented at this hearing. As the Landlord's claim for an early end of tenancy had no

merit I find that the Landlord is not entitled to recovery of its filing fee and in effect the application is dismissed in its entirety.

Conclusion

The application is dismissed.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: June 24, 2019

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Residential Tenancy Branch