



# 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 order for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference connection open until 9:45 a.m. to enable the tenant to call into this hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and testified she personally served the tenant with the Notice of Expedited Hearing and evidence on March 13, 2020. The landlord further testified that the tenant had vacated the rental unit some time after March 1, 2020.

### Preliminary Issue

Section 62(4) states:

The director may dismiss all or part of an application for dispute resolution if

- a) there are no reasonable grounds for the application or part,
- b) the application or part does not disclose a dispute that may be determined under this Part, or
- c) the application or part is frivolous or an abuse of the dispute resolution process.

As the landlord has verified the tenant has vacated the rental unit, there is no dispute that may be determined under Part 5 of the *Act* and I dismiss the landlord's application for an early end to tenancy pursuant to section 62.

As the landlord's application was unsuccessful, the landlord is not entitled to recover the filing fee.

Conclusion

The landlord's application is dismissed without leave to reapply pursuant to section 62.

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: March 24, 2020

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Residential Tenancy Branch