



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") an early termination of the tenancy and an order of possession, because they say the Tenant poses an immediate and severe risk to people and property, and to recover the \$100.00 cost of their filing fee.

An agent for the Landlord, C.N. ("Agent"), appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenant. The teleconference phone line remained open for over 25 minutes and was monitored throughout this time. The only person to call into the hearing was the Agent, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Agent.

I explained the hearing process to the Agent and gave him an opportunity to ask questions about the hearing process. During the hearing the Agent was given the opportunity to provide his evidence orally and to respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure "(Rules)"; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

As the Tenant did not attend the hearing, I considered service of the Notice of Dispute Resolution Hearing. Section 59 of the Act states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Agent testified that he served the Tenant with the Notice of Hearing documents by Canada Post registered mail, sent on May 26, 2020. The Landlord provided Canada Post tracking numbers as evidence of service. I find that the Tenant was deemed served with the Notice of Hearing documents in accordance with the Act. I, therefore, admitted the Application and evidentiary documents, and I continued to hear from the Agent in the absence of the Tenant.

Preliminary and Procedural Matters

The Landlord provided the Parties' email addresses in the Application and the Agent confirmed these addresses in the hearing. He also confirmed his understanding that the Decision would be emailed to both Parties and any Orders sent to the appropriate Party.

Early in the hearing, the Agent said that the Tenant had moved out on June 5, 2020, although, the Agent said that he has seen her return to the property on occasion, but then drive quickly away when she is spotted. The Agent confirmed that he has changed the locks on the rental unit. He said that he has approximately three weeks of repair work to do to the rental unit, to bring it back to acceptable condition for the next tenant.

Given that the Tenant has abandoned the residential property, I find that the Landlord is no longer in need of an early termination of the tenancy and an order of possession. Accordingly, I dismiss this Application wholly without leave to reapply.

Conclusion

The Landlord's claims for an early termination of the tenancy and an order of possession, because the Tenant poses an immediate and severe risk to people and property, and recovery of the \$100.00 Application filing fee are dismissed without leave to reapply. The Tenant has already abandoned the residential property and the Landlord has regained possession of the rental unit.

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: June 12, 2020

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Residential Tenancy Branch