



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

On June 16, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for an early end of tenancy and an order of possession for the rental unit. The matter was scheduled as teleconference hearing.

The matter was set for a conference call hearing. The Landlord and Tenant attended the hearing. The Tenant was assisted by an advocate. At the start of the hearing I introduced myself and the participants. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions.

The Landlord is seeking an early end of tenancy and an order of possession for the rental unit.

The Tenant testified that she moved out of the rental unit on June 30, 2020 prior to this hearing. The Tenant testified that any remaining possessions left behind in the rental unit have been abandoned by her.

The Landlord confirmed that the Tenant moved out of the rental unit and that possessions were left behind in the unit. The Landlord was not sure whether or not they can consider that the tenancy has ended and enter the rental unit.

Analysis

Based on the application before me, the issue to determine in this hearing is whether or not the tenancy should end due to an immediate and severe risk to the rental property, other occupants, or the Landlord.

Since the Tenant has moved out of the rental unit, there is no need to proceed with a full hearing to determine an early end of tenancy is warranted.

Pursuant to section 44 of the Act, I find that the tenancy is over. I find that the tenancy ended when the Tenant vacated the rental unit on June 30, 2020. I find that any possessions left behind in the unit have been abandoned by the Tenant.

The Landlord is authorized to enter the enter the rental unit, and an order of possession is not needed.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the tenancy has ended and the hearing did not proceed, I have made no finding that the Tenant breached the tenancy agreement, or Act, therefore, I decline an award for the recovery of the \$100.00 filing fee.

The Landlords application is dismissed.

Conclusion

The Landlord applied for an early end of tenancy and an order of possession for the rental unit. The Tenant moved out of the rental unit prior to the hearing.

The tenancy has ended. The Landlord does not need an order of possession for 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: July 16, 2020