



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1056126 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

On February 26, 2021, the Landlord submitted an Application for Dispute Resolution under Section 56 of the *Residential Tenancy Act* (the “Act”) requesting that the tenancy end early, to obtain an Order of Possession for the rental unit and to be compensated for the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Landlord attended the conference call hearing; however, the Tenant did not attend at any time during the 22-minute hearing. The Landlord testified that the Notice of Dispute Resolution Proceeding and related evidence was posted to the Tenant’s door on March 5, 2021. The Landlord also provided a signed Proof of Service and as such, I find that the Tenant is deemed to have received the Notice of Expedited Hearing - Dispute Resolution Proceeding on March 8, 2021, in accordance with Sections 89 and 90 of the Act.

Rule 7.3 of the *Residential Tenancy Rules of Procedure* states if a party or their agent fails to attend a hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the Application, with or without leave to re-apply.

As the Tenant did not call into the conference, the hearing was conducted in their absence and the Application was considered along with the testimony and evidence as presented by the Landlord.

### Issue to be Decided

Is the Landlord entitled to an early end of tenancy and an Order of Possession pursuant to Section 56 of the Act?

### Background and Evidence

The Landlord testified that the Tenant moved out of the rental unit on February 10, 2021. The Landlord attended the rental unit on February 14, 2021 and observed that

the Tenant had moved her belongings out of the rental unit and that there was only garbage left behind.

The Landlord stated that the Tenant did not pay any rent for March 2021; however, that her boyfriend showed up at the rental unit on March 3, 2021 and that the police were called because of some suspicious circumstances.

The Landlord stated that both he and the other occupants of the residential property have not seen the Tenant or anyone else coming or going from the rental unit for the last several weeks.

### Analysis

Based on the Landlord's testimony, I find that the tenancy ended when the Tenant vacated the rental unit without notice, pursuant to section 44(1)(d) of the Act.

As the tenancy has ended, I find that it is unnecessary to consider the Landlord's Application for an early end of tenancy. As such, I dismiss the Landlord's Application.

### Conclusion

I dismiss the Landlord's Application for Dispute Resolution 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: March 29, 2021

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Residential Tenancy Branch