



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlords applied for:

- an order for early termination of a tenancy, pursuant to section 56;
- an authorization to recover the filing fee for this application, under section 72.

I left the teleconference connection open until 11:18 A.M. to enable the tenant to call into this teleconference hearing scheduled for 11:00 A.M. The tenant did not attend the hearing. Landlord HK and advocate NS (the landlord), attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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, her advocate and I were the only ones who had called into this teleconference.

I accept the landlord's testimony that the notice of hearing and the evidence (the materials) were attached to the tenant's rental unit door on March 27, 2021, in accordance with section 89(2)(d) of the Act. The tenant is deemed to have received the materials on March 30, 2021, in accordance with section 90(c) of the Act.

Rule of Procedure 7.3 allows a hearing to continue in the absence of the respondent.

The landlord affirmed the tenancy started on February 15, 2021. Monthly rent in the amount of \$1,400.00 is due on the 15th day of the month. The landlord holds the security deposit of \$700.00.

The landlord stated on April 01, 2021 she inspected the rental unit and learned the tenant had abandoned it. The landlord changed the locks and has possession of the rental unit.

Section 44(1)(d) of the Act states the tenancy ends if the tenant vacates or abandons the rental unit.

The application for an order for early termination of a tenancy is moot since the tenancy has ended and the landlord has possession of the rental unit.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the landlords' application.

As the landlords learned that the tenant had abandoned the rental unit after they served the materials, the landlords are authorized to recover the filing fee.

Conclusion

I dismiss the landlords' application without leave to reapply.

Pursuant to section 72(2)(b), the landlords are authorized to deduct \$100.00 from the security deposit to recover the filing fee.

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: April 08, 2021

Residential Tenancy Branch