



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction and Preliminary Matters

On July 18, 2021, the Landlord applied for a Dispute Resolution proceeding seeking an Order of Possession based on an early end of tenancy Application pursuant to Section 56 of the *Residential Tenancy Act* (the “Act”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On July 20, 2021, this Application was set down for a hearing on August 13, 2021 at 9:30 AM.

The Landlord attended the hearing; however, neither Tenant attended at any point during the 8-minute teleconference. At the outset of the hearing, I informed the Landlord that recording of the hearing was prohibited and he was reminded to refrain from doing so. As well, he provided a solemn affirmation.

He advised that the Tenants had given up vacant possession of the rental unit as of July 30, 2021.

As the Tenants have already given up vacant possession of the rental unit, I find that it is unnecessary to consider the merits of this early end of tenancy Application. As such, I dismiss this Application without leave to reapply.

As the Tenants’ alleged actions necessitated this Application, I am satisfied that the Landlord was successful. As such, I find that the Landlord is entitled to recover the \$100.00 filing fee paid for this Application. Under the offsetting provisions of Section 72 of the *Act*, I allow the Landlord to retain this amount from the security deposit in satisfaction of this claim.

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: August 13, 2021

Residential Tenancy Branch