



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 9:45 A.M. to enable the tenants to call into this teleconference hearing scheduled for 9:30 A.M. The tenants did not attend the hearing. Landlord RC (the landlord) attended the hearing and was 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 and I were the only ones who had called into this teleconference.

At the outset of the hearing the attending party affirmed he understands it is prohibited to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5 000."

I accept the landlord's testimony that the notice of hearing and the evidence (the materials) were attached to the tenants' door on August 25, 2021, in accordance with section 89(2)(d) of the Act. The landlord attached one package for each tenant. The tenants are deemed to have received the materials on August 28, 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 respondents.

At the outset of the hearing the landlord stated on September 01, 2021 he observed the rental unit's door was open. The landlord inspected the rental unit on September 05,

2021 and learned that the tenants had abandoned the rental unit. The landlord 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 landlords have 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 tenants had abandoned the rental unit after they served the materials, the landlords are authorized to recover the filing fee. The landlord affirmed he holds the security deposit of \$900.00.

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: September 15, 2021

Residential Tenancy Branch