



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the Landlords' Application filed under the *Residential Tenancy Act* (the "Act") for an early end of tenancy pursuant to section 56 of the *Act*. The matter was set for a conference call.

One of the Landlords (the "Landlord") attended the hearing and was affirmed to be truthful in their testimony. As the Tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered. Section 59 of the Act states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord submitted a proof of service form showing that the Notice of Hearing Documents had been posted to the front door of the rental unit on September 8, 2021. I find that the Tenants had been duly served in accordance with the *Act*.

The Landlord was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Is the Landlord entitled to an early end of tenancy and an Order of Possession, under section 56 of the *Act*?

Background and Evidence

The Landlord testified that the Tenants moved out two or three weeks before the date of these proceedings but was unable to provide a date when the Tenants moved out or the date when they took back possession. The Landlord confirmed that as of the date of these proceedings, they have possession of the rental property.

The Landlord testified they are seeking an order telling them what to do with the personal property left behind by the Tenants after they moved out. The Landlord was directed to call the Residential Tenancy Branch to have their questions regarding the Tenants' personal property answered.

Analysis

I find that this tenancy has already ended and that there is no requirement for an Order of Possession. Therefore, I dismiss the Landlords' application for an Order of Possession of the rental unit.

Conclusion

The Landlords' application is dismissed 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: September 24, 2021

Residential Tenancy Branch