



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1160473 BC LTD and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

On September 19, 2021, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on an early end of tenancy 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 September 21, 2021, this matter was set down for a hearing on October 15, 2021 at 9:30 AM.

The Landlord attended the hearing; however, the Tenant did not attend the hearing at any point during the 14-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. He acknowledged this term, and he provided a solemn affirmation.

He advised that the Tenant had given up vacant possession of the rental unit on September 23, 2021.

As the Tenant has given up vacant possession of the rental unit and as the Tenant has not attended the hearing, it is not necessary to consider the issuance of an Order of Possession as the tenancy is already over.

As the Landlord was essentially successful in this Application, I find that the Landlord is entitled to recover the filing fee. Under the offsetting provisions of Section 72 of the Act, I allow the Landlord to retain a portion of the security deposit in satisfaction of this debt.

Conclusion

As the Tenant has given up vacant possession of the rental unit already and has not attended the hearing, I dismiss the Landlord's Application for an Order of Possession 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: October 15, 2021

Residential Tenancy Branch