



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Issues Codes: ET FFL

Introduction

The landlord applied to end a tenancy and obtain an order of possession pursuant to section 56 of the *Residential Tenancy Act* (“Act”).

A dispute resolution hearing was convened on June 2, 2022. The landlord’s agent attended, while neither tenant appeared.

Preliminary Issue: Tenancy Has Ended

The landlord’s agent advised me that the tenants vacated and abandoned the rental unit approximately two weeks ago. The locks to the rental unit have since been changed, and there is no indication that the tenants are returning. Given these facts, the agent agreed that the tenancy has ended. As such, an order to end the tenancy under section 56 of the Act is now moot, as is for an order of possession. (At this point, the return of either tenant onto the property will likely constitute trespass and be a police matter.)

Re Filing Fee

The circumstances giving rise to the application—namely, dangerous behavior of the tenants, damaging of property, selling of crack cocaine—are such that the landlord had a legitimate and compelling reason to make this application. In other words, based on the facts as they are, it would have been my finding that the landlord would have been entitled to orders under section 56 of the Act. As such, while the tenants have since left the property, it is my finding that the landlord is entitled to recover the cost of the application filing fee under section 72 of the Act.

Pursuant to section 38(4)(b) of the Act the landlord is authorized to retain \$100.00 of the tenants’ security deposit to pay for the cost of the application filing fee.

Conclusion

Because the tenancy has already ended, the application for orders under section 56 of the Act is dismissed.

The application in respect of compensation for the application filing fee under section 72 of the Act is **GRANTED**.

This decision is final and binding on the parties, and it is made on delegated authority under section 9.1(1) of the Act.

Dated: June 2, 2022

Residential Tenancy Branch