



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing dealt with the Landlords' application under the *Residential Tenancy Act* (the "Act") for:

- an order for an early end to tenancy and an Order of Possession of the rental unit pursuant to section 56; and
- authorization to recover the filing fee for this application from the Tenant pursuant to section 72.

The Landlord KA attended the hearing and was given an opportunity to be heard, to present testimony, and to make submissions.

The Tenant did not attend this hearing. I left the teleconference hearing connection open until 9:40 am in order to enable the Tenant to call into the hearing scheduled to start at 9:30 am. I confirmed that the correct call-in numbers and participant code had been provided in the notice of dispute resolution proceeding. I used the teleconference system to confirm that KA and I were the only ones who had called into the hearing.

The Landlords submitted a signed Proof of Service in form #RTB-9, which indicates that the notice of expedited hearing dispute resolution proceeding package was left on the Tenant's front doorstep on May 17, 2022. Records indicate that the Residential Tenancy Branch provided the dispute resolution proceeding package to the Landlords on May 17, 2022. Based on the foregoing, I find that the Tenant was served with the dispute resolution proceeding package in accordance with Rule 10.3 of the Residential Tenancy Branch Rules of Procedure and section 2(b) of the director's standing order dated March 1, 2021. Pursuant to section 90(c) of the Act, I find the Tenant is deemed to have been served with the dispute resolution proceeding package on May 20, 2022.

Preliminary Matter – Tenancy Has Ended

KA testified she recently discovered the rental unit cleared out and abandoned. KA stated the Tenant did not pay rent due on June 1, 2022.

As the Tenant is no longer in possession of the rental unit, I find it is not necessary to consider the Landlords' claims for an early end to tenancy and an Order of Possession. Accordingly, I dismiss the Landlords' application, with leave to re-apply.

I note that, subject to the usual limitation periods under the Act, the Landlords are at liberty to make further applications in respect of this tenancy, including an application for recovery of unpaid rent. In that regard, I make no explicit finding of fact as to the exact end date of the tenancy. I leave this matter for determination by the Arbitrator adjudicating the future application.

Conclusion

The Landlords' application is dismissed with leave to re-apply.

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: June 10, 2022

Residential Tenancy Branch