



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ET FFL**

Introduction

This hearing was convened by conference call as a result of the Landlord's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") for an early termination of the tenancy and an Order of Possession pursuant to section 56.

The Tenants did not attend this hearing scheduled for 9:30 am. I left the teleconference hearing connection open for the entire hearing, which ended at 9:41 am, in order to enable the Tenants to call into this teleconference hearing. 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 the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference.

Preliminary Matter – Removal of an Applicant

At the outset of the hearing the Landlord stated that the other applicant ("SC") in the Application was not a Landlord but rather another tenant. The Landlord requested that I remove SC as an applicant in the Application.

Residential Tenancy Branch Rule of Procedure 4.2 states:

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing. If an amendment to

an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served

The Tenants could reasonably have anticipated the Landlord would request an amendment to remove a party, who is not a landlord, as an applicant from the Application. As such, I amended the Application to remove SC as an applicant.

Preliminary Matter – Tenants have Vacated Rental Unit

At the outset of the hearing the Landlord stated the Tenants vacated the rental unit on June 9, 2022 and that he no longer requires an Order of Possession. Accordingly, I dismiss the Application without leave to reapply.

As the Tenants have already vacated the rental unit and an Order of Possession is no longer required by the Landlord, I dismiss the Landlord's claim for reimbursement of the filing fee for the Application.

Conclusion

The Application is dismissed in its entirety 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: June 17, 2022

Residential Tenancy Branch