



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Devon Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the landlord's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The landlord applied for an order of possession to end the tenancy early due to an immediate and severe risk to the rental property, other occupants, or the landlord, and to recover the cost of the filing fee.

The landlord's agent (landlord) attended the hearing; the tenant did not attend. The landlord confirmed that the landlord was the company name shown on the cover page, not the individual applicant listed on the landlord's application. As a result, I have excluded the original applicant's name and inserted the company name.

At the beginning of the hearing, the landlord said the tenant vacated the rental unit. The landlord confirmed they did not need an order of possession of the rental unit as a result.

Analysis and Conclusion

At the tenancy ended when the tenant vacated the rental unit, I find the landlord's application seeking an order of possession of the rental unit is now moot. I cannot now decide whether or not the tenancy shall continue.

Given the above, I **dismiss** the landlord's application, without leave to reapply. As I did not consider the merits of the landlord's application, I do not award recovery of the filing fee.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: October 13, 2022

Residential Tenancy Branch