



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord September 07, 2022 (the “Application”). The Landlord applied for an order ending the tenancy early based on section 56 of the *Residential Tenancy Act* (the “Act”). The Landlord also sought reimbursement for the filing fee.

The Landlord appeared at the hearing. The Tenant appeared at the hearing with A.A. to assist. The Tenant wanted to call witnesses at the hearing; however, this was not necessary given the below.

The Tenant advised that they moved out of the rental unit December 29, 2022. The Landlord agreed the Tenant moved out of the rental unit at the end of December 2022.

Given the Tenant has moved out of the rental unit, the request for an order ending the tenancy early based on section 56 of the *Act* is no longer an issue because the tenancy has ended. Further, the Landlord is not entitled to the filing fee because the request for an order ending the tenancy is a non-issue and therefore the Landlord has not been successful on the Application. I explained these two points to the parties and told the parties I would dismiss the Application without leave to re-apply.

The Application is dismissed without leave to re-apply because the tenancy has ended and the Landlord is not entitled to the filing fee when the Tenant moved out of the rental unit prior to the hearing.

Both parties asked about the security deposit, and I told them they need to make Applications for Dispute Resolution in relation to the security deposit.

Conclusion

The Application is dismissed without 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 *Act*.

Dated: February 09, 2023

Residential Tenancy Branch