



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

**Dispute Codes**      ET FFL

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for an early end to this tenancy and an Order of Possession pursuant to section 56; and authorization to recover the filing fee for this application, pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Both parties were clearly informed of the RTB Rules of Procedure about behaviour including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11 which prohibits the recording of a dispute resolution hearing. Both parties confirmed that they understood.

### **Preliminary Issue-Reason for Application**

I confirmed with the landlord the reason for their application. I note that although the landlord submitted documents that reference a 10 Day Notice to End Tenancy for Unpaid Rent, the landlord filed this application for an early end to the tenancy pursuant to section 56 of the Act. The landlord confirmed that they wanted an Order of Possession for Unpaid Rent, and is not requesting an Order of Possession pursuant to section 56 of the Act.

I have given consideration to the principle of natural justice and fairness, and the fact that the respondents must know the case against them. No amendments have been filed for this application. As this hearing was set to deal with an application for an early termination of this tenancy pursuant to section 56 of the Act only, and as no amendments have been filed, the landlord's application pursuant to section 56 of the Act was cancelled. No findings were made in relation to this issue, or the issue of unpaid rent.

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As I was not

required to make a decision on the merits of this case, the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

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: April 28, 2023

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Residential Tenancy Branch