



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ET, FFL

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlords applied for:

- an order for early termination of a tenancy, pursuant to section 56; and
- an authorization to recover the filing fee, under section 72.

I left the teleconference connection open until 9:40 A.M. to enable the tenant to call into this teleconference hearing scheduled for 9:30 A.M. The tenant did not attend the hearing. Landlords SB and CE (the landlord) attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlords and I were the only ones who had called into this teleconference.

At the outset of the hearing all the parties were clearly informed of the Rules of Procedure, including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11, which prohibits the recording of a dispute resolution hearing. All the parties confirmed they understood the Rules of Procedure and section 95(3) of the Act.

I accept the landlord's uncontested and convincing testimony that he attached the notice of hearing to the tenant's front door on April 27, 2023, in accordance with section 89(2)(d) of the Act.

Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by attaching to the door, on the 3rd day after it is attached. The tenant is deemed to have received the notice of hearing on April 30, 2023, in accordance with section 90(c) of the Act.

Rule of Procedure 7.3 allows a hearing to continue in the absence of the respondents.

The landlord affirmed that the tenant's neighbour informed him that he observed the tenant moving out on April 30, 2023. The landlord changed the rental unit's locks on May 03, 2023.

The application for an order of possession is moot since the tenant left the rental unit and the tenancy has ended.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the application for an order of possession.

The landlords collected and currently holds in trust the \$457.00 security deposit (the deposit).

As the landlords learned that the tenant moved out after they served the notice of hearing, I authorize the landlords to recover the filing fee.

Conclusion

I dismiss the application without leave to reapply.

Pursuant to section 72(2)(b), the landlords are authorized to deduct \$100.00 from the deposit to recover 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*.

Dated: May 11, 2023

Residential Tenancy Branch