



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ET, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on June 20, 2023, wherein the Landlord sought an early end to tenancy pursuant to section 56 of the *Residential Tenancy Act*, as well as recovery of the \$100.00 filing fee.

The hearing of the Landlord's Application was scheduled for 11:00 a.m. on July 4, 2023. Only the Landlord and his witness, A.J., called into the hearing. The Landlord gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

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 Landlord and I were the only ones who had called into this teleconference.

As the Tenants did not call in, I considered service of the Landlord's hearing package. The Landlord testified that he served the Tenants with the Notice of Hearing and the Application on June 21, 2023 by posting to the rental unit door. Section 90 of the *Residential Tenancy Act* provides that documents served this way are deemed served three days later; accordingly, I find the Tenants were duly served as of June 24, 2023 and I proceeded with the hearing in their absence.

The Landlord confirmed the Tenants moved from the rental unit on June 30, 2023 and returned the keys such that an Order of Possession was no longer required. Although the Tenants have vacated the rental unit, I find that this application is necessary and I therefore award the Landlord recovery of the \$100.00 filing fee. Pursuant to section 72 of the *Act*, I permit the Landlord to retain \$100.00 of the Tenants' security deposit

towards this fee; the balance of the Tenants security deposit shall be held in trust and dealt with in accordance with section 38 of the *Act*.

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: July 04, 2023

Residential Tenancy Branch