



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 as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an early termination of the tenancy and an order of possession – as the Tenant poses an immediate and severe risk to persons and/or property; and to recover the \$100.00 cost of their Application filing fee.

The Landlord appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenant. The teleconference phone line remained open for over seven minutes and was monitored throughout this time. The only person to call into the hearing was the Landlord, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Landlord.

At the onset of the hearing, the Landlord advised me that the Tenant had vacated the rental unit completely on Saturday, December 4, 2021 – two days before the hearing; and therefore, the Landlord no longer needed the dispute resolution hearing or an order of possession. The Landlord indicated that he was withdrawing his Application, given the outcome with the Tenant.

As the Tenant did not attend the hearing, I considered service of the Notice of Dispute Resolution Hearing. Section 59 of the Act and Rule 3.1 state that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Landlord testified that he served the Tenant with the Notice of Hearing documents by posting them on the rental unit door on November 24, 2021. I find that the Tenant was deemed served with the Notice of Hearing documents in accordance with the Act. I, therefore, admitted the Application and evidentiary documents, and I continued to hear from the Agent in the absence of the Tenant.

I explained to the Landlord that withdrawing this Application would conclude the hearing and this matter would be dismissed without leave to re-apply. The Landlord stated he

understood this and wished to proceed with the withdrawal of the Application.

Conclusion

The Landlord's Application for an early termination of the tenancy and an order of possession, as well as recovery of the Application filing fee was withdrawn by the Landlord, and is therefore dismissed without leave to reapply.

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: December 06, 2021

Residential Tenancy Branch