



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: ET

Introduction

This application was brought by landlord seeking an Order of Possession under section 56 of the *Act*. This section permits such applications in situations where it would be unreasonable for the landlord to wait for an order under section 47 of the *Act* which requires notice of a minimum of 30 days.

In this instance, the landlord had served notice for unpaid rent on February 1, 2009, but made subsequent application under section 56 of the *Act* out of concern that the male tenant's behaviour may have placed another tenant's safety in jeopardy.

Despite being served with the Notice of Hearing, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

Issue(s) to be Decided

This application requires a decision on whether the landlords are entitled to an Order of Possession and, if so, the effective date of such order.

Background and Evidence

At the commencement of the hearing, the landlords gave evidence that the tenants had moved out of the rental unit in stages between February 1, 2008 and February 7, 2008 after having advised the landlords that they had no intention of paying the February rent.

They stated that the tenants had declined to participate in a condition inspection and provided no forwarding address, although they left a few items behind of little or no value.

The landlords requested an Order of Possession to ensure their right to prepare the unit for rental to new tenants.

Analysis

On the strength of the written evidence presented by the landlords and their testimony at the hearing, I find that the landlords have good reason to conclude that the tenants will not be returning to the rental unit as contemplated at *Regulation 24(2)* which provides for a determination of abandonment on the tenant's oral declaration. T

Therefore, I find that the landlords are entitled to an Order of Possession.

Conclusion

Accordingly, the landlords' copy of this decision is accompanied by an Order of Possession effective at 1 p.m. on February 20, 2009.

February 18, 2009

Dispute Resolution Officer