



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

2

Decision and Reasons

Dispute Codes:

FF,

MNR,

OPR

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

The Landlord’s agent gave affirmed evidence at the Hearing and the Hearing proceeded on its merits.

Preliminary Matters

At the onset of the Hearing the Landlord’s agent withdrew the Landlord’s application for a monetary order and to recover the cost of the filing fee from the Tenant. The Hearing proceeded with the Landlord’s application for an Order of Possession.

Introduction

This is the Landlord’s application for an Order of Possession for Cause.

Background and Evidence

The Landlord’s agent testified that she personally served the Tenant with the One

Month Notice to End Tenancy for Cause on April 27, 2009, at the rental unit.

Monthly rent for the rental unit was \$600.00, due on the first day of each month.

The Landlord testified that the Tenant was repeatedly late paying rent, and had been given six 10 Day Notices to End Tenancy for Unpaid Rent, one for each month from September, 2008 to January, 2009. In April, 2009, the Tenant was late again, paying cash on April 20, 2009. The Landlord provided copies of the 10 Day Notices.

The Landlord's agent testified that the Tenant was living in the rental unit with another person who was not a party to the Tenancy Agreement. The Tenant abandoned the rental unit in May, 2009. The Landlord's agent testified that she agreed with the occupant that she could have use and occupancy of the rental unit until June 30, 2009. The occupant paid the Tenant's outstanding arrears for May, 2009 together with \$600.00 for the month of June, 2009. The Landlord provided the occupant with a receipt for "use and occupancy only" to the end of June, 2009.

The Landlord's agent testified that she believes the occupant has also abandoned the rental unit, along with some possessions, leaving the rental unit unsecure and unlocked. The Landlord's agent requested an Order of Possession.

Analysis

I accept the Landlord's agent's testimony that she duly served the Tenant with the Notice to End Tenancy issued April 27, 2009, in accordance with the provisions of Section 88(a) of the Act. The Tenant did not dispute the Notice to End Tenancy within 10 days of being served. Therefore, pursuant to Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on May 30, 2009. There is an occupant in the rental unit, who has use and occupancy until June 30, 2009.

I accept the Landlord's agent's testimony that the rental unit has been abandoned by the Tenant. In order to protect the Landlord's ability to secure the rental unit, I hereby issue an Order of Possession effective June 30, 2009. I further order that the Landlord post the Order of Possession on the door of the rental unit by the end of the day, June 27, 2009.

Conclusion

Pursuant to Section 55 of the Act, I hereby grant the Landlord an Order of Possession, **effective 1:00 p.m., June 30, 2009.** The Landlord must post a copy of the Order of Possession on the door of the rental unit by the end of the day, June 27, 2009. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The remainder of the Landlord's application is dismissed as withdrawn.

June 26, 2009
