



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR

Introduction

This matter dealt with an application by the Landlord for an Order of Possession. The Landlord served the Tenant at her residence with the Application and Notice of Hearing by registered mail on June 30, 2009. According to the Canada Post online tracking system, a notification card was left for the Tenant on July 2, 2009 however she did not pick up the mail. I find that the Tenant was served as required by s. 89 of the Act and the hearing proceeded in her absence.

At the beginning of the hearing the Landlord confirmed that there was an error (or omission) in the dispute address on his application. Accordingly, I allowed the Landlord pursuant to s. 64(2)(c) of the Act to amend his application.

Issues(s) to be Decided

1. Is the Landlord entitled to end the tenancy?

Background and Evidence

This fixed term tenancy started on May 1, 2009 and expires on October 31, 2009. Rent is \$950.00 per month payable in advance on the 1st day of each month. The Landlord said the Tenant did not pay June 2009 rent when it was due and as a result on June 12, 2009 he served the Tenant in person with a 10 Day Notice to End Tenancy for Unpaid Rent dated June 12, 2009. The Landlord said he contacted the Tenant's son in mid-July 2009 and was advised by him that the Tenant had moved out. The Landlord said the Tenant did not pay rent for June or July 2009.

Analysis

Section 24 of the Regulations to the Act says that a Landlord may consider personal property left in a rental unit to be abandoned if the Tenant has not continuously occupied the rental unit or paid rent for a period of one month, has removed substantially all or her personal property and gives express oral notice that the Tenant does not intend to return to the rental unit. Consequently, I find that the tenancy ended



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when the Tenant abandoned the rental unit on or about July 15, 2009 and as a result, there are no grounds for issuing an Order of Possession.

Conclusion

The Landlord's application for an Order of Possession is dismissed. The Landlord may make a separate application for any unpaid rent or damages to the rental unit within 2 years of the end of the tenancy.

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: August 11, 2009.

Dispute Resolution Officer