

DECISION

Dispute Codes: OPC and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a one month Notice to End Tenancy for cause served by posting on the tenant's door on May 12, 2010. The landlord also sought to recover the filing fee for this proceeding from the tenant.

Despite having been served with the Notice of Hearing by posting on the rental unit door, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession in support of the Notice to End Tenancy.

Background and Evidence

This tenancy began on or about September 1, 2006. Rent was \$1,062 per month and the landlord holds a security deposit of \$475.

During the hearing, the landlord's agents gave evidence that the Notice to End Tenancy had been served as a result of repeated late payment of rent, and more seriously, as a result of the tenant sub letting the rental unit without the knowledge or consent of the landlord.

They stated that at present, the rental unit is unoccupied, but it appeared that there had been two successor sub-tenancies without the landlord's knowledge. They stated that no rent had been paid since May 2010 and that there is considerable damage.

They further noted that the Notice of Hearing had remained on the rental unit door for three weeks.

The landlord requests the Order of Possession in order to secure her right to enter into a rental agreement with a new tenant for August.

Analysis

I am satisfied that the landlord has met the requirement for service of the Notice of Hearing under section 89)(2)(d) of the Act by posting on the rental unit door.

I find that the tenant has breached section 34 of the Act which prohibits a tenant from assigning or subletting a rental unit without the landlord's written consent.

Accordingly, I find that the landlord is entitled to an Order of Possession. As the rental unit is not presently occupied, and as there is no property of the tenant remaining, the Order of Possession is effective immediately to give the landlord an opportunity to prepare it for new tenants.

I further find that the landlord is entitled to recover the filing fee for this proceeding and may retain \$50 from the security deposit for that purpose.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on July 30, 2010.

The landlord remains at liberty to make application for damage to the rental unit in the event the tenant is located.

July 30, 2010