



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenancy started in August 2006. The monthly rent is \$1,500.00 and payable on the first of each month. At the outset of the hearing the landlord advised me that the tenant had moved out on August 01, 2010. The landlord attempted to enter the unit on August 02, and the tenant called the police who advised the landlord to wait until he received a decision from the hearing that was scheduled for this date.

The tenant agreed that he had moved into his new rental unit effective August 01, but had left some of his belongings behind in the dispute rental unit. He stated that he had removed all the items that he needed from the house and had arranged for the remainder of the items to be picked up and donated to charity, on August 27. He also stated that some of his belongings were in the garage and he was unable to get to them because the garage door was inoperative due to lack of electric power.

Analysis

Since the tenant has already moved out but has not returned the keys to the landlord, nor has he removed all his personal belongings from the unit, I find that the landlord is entitled to an order of possession.

Accordingly, pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is also entitled to the recovery of the filing fee and I allow the landlord to retain \$50.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit.

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 17, 2010.

Dispute Resolution Officer