



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC, OPC, OPR, MND, MNDC, MNSD, MNR, FF

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties.

The Tenant applied to cancel a one month Notice to End Tenancy for cause, issued to her by the Landlords.

The Landlords applied for an order of possession based on the one month Notice to End Tenancy and because the Tenant had failed to pay rent, and requested monetary orders for rent, compensation under the Act or tenancy agreement, for damage to the rental unit and to recover the filing fee for the Application.

The Tenant had filed her own Application and was provided a Notice of Hearing for today. The Tenant was also served with the Landlords' Application and a Notice of Hearing by registered mail, sent on October 4, 2010, and deemed served five days later under the Act. Despite this, the Tenant did not appear at the hearing.

I find the Tenant has been duly served and had actual notice of this hearing.

**Therefore, I dismiss the Tenant's Application without leave to reapply.**

### Issues(s) to be Decided

Are the Landlords entitled to the relief sought?

### Background and Evidence

The Landlords appeared at the hearing and provided testimony that the Tenant had apparently abandoned the rental unit. The Landlords had visited the rental unit on the morning of the hearing and found it to be empty. They also alleged that it was left very dirty by the Tenant, that the Tenant had stolen a refrigerator and that she tried to burn the rental unit down.

### Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find that the Tenant has abandoned the rental unit. I grant the Landlords an order of possession effective today.

As to the monetary claims, the Landlords' Application is dismissed with leave to reapply.

The Landlords were advised to make a police report regarding the alleged theft and alleged fire, and to file a further Application for monetary compensation and to provide evidence in support of their Application. The Landlords may contact an Information Officer at the Branch for further information on filing an Application.

The Landlords may keep **\$50.00** from the security deposit in order to recover the filing fee for the Application.

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: October 18, 2010.

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Dispute Resolution Officer