



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing was scheduled for 11:00 a.m. on this date to hear the landlord's application for an Order of Possession based upon a 1 Month Notice to End Tenancy for Cause and a Monetary Order for unpaid rent for the month of November 2010. The tenant did not appear at the hearing.

The landlord provided a registered mail tracking number as proof of service of the hearing documents upon the tenant. A search of the tracking number showed that the registered mail was sent December 2, 2010 and a notification card was left by the post office on December 6, 2010. The landlord testified that he last saw the tenant at the rental unit on December 1, 2010 and that on December 2, 2010 he left a note in the door which was still there when he returned to the property on December 7, 2010. The landlord was of the position the tenant has abandoned the rental unit as the tenant has not been seen at the rental unit for several days and the only items left in the unit were garbage or of little value.

Where a tenant abandons a rental unit, the tenancy ends and the landlord automatically regains possession and an Order of Possession is no longer required. A landlord is also permitted to dispose of abandoned property that has a cumulative value of less than \$500.00. The landlord should contact the Residential Tenancy Branch for any questions pertaining to abandoned property rules.

I dismiss the landlords' monetary claim for unpaid rent with leave to reapply as I am not satisfied the tenant was residing at the rental unit at the time of mailing of the hearing documents.

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: December 15, 2010.

Dispute Resolution Officer