



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession to end the tenancy early.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the Act, when it was posted to the Tenant's door on February 21, 2011.

The Landlord appeared at the teleconference hearing, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. No one attended on behalf of the Tenant despite him being served notice of today's hearing in accordance with the Act.

Issues(s) to be Decided

1. Has the Landlord met the burden of proof to end this tenancy immediately and obtain an Order of Possession?

Background and Evidence

The Landlord testified the Tenant entered into a written month to month tenancy agreement effective April 15, 2010. Rent was payable on the first of each month in the amount of \$675.00 and the Tenant paid \$340.00 on April 7, 2010 as the security deposit.

The Landlord confirmed the police executed a search warrant at the rental unit on February 11, 2011 at 9:35 p.m. when they found a marihuana grow operation inside the rental unit. The Tenant was not seen at the unit from that date until on Friday February 18, 2011 the Landlord saw a vehicle parked at the rental unit so the police were called.

The Landlord has determined the Tenant had completely vacated the property on or before February 21, 2011.

Analysis

All of the testimony and documentary evidence was carefully considered.

The evidence supports the Tenant removed his possessions from the property and abandoned the rental unit by February 21, 2011.

Section 44(1)(d) of the Act provides that a tenancy ends if the tenant vacates or abandons the rental unit. Therefore I find this tenancy ended February 21, 2011 and the Landlord has regained possession of the unit as of that date. Therefore the Landlord's request to end the tenancy and obtain an Order of Possession is now moot and no further action is required.

Conclusion

As no further action is required, the file is hereby closed.

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: March 01, 2011.

Residential Tenancy Branch