



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, RP, RR, O

Introduction

This hearing dealt with an application by the tenant to allow more time to make an application, to cancel a notice to end tenancy for unpaid rent, to order the landlord to make repairs, allow a tenant to reduce rent for repairs and other.

The tenant/applicant failed to join the conference call hearing. The landlord/respondent attended.

Background and Evidence

On May 21 and May 27, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant vacated the rental unit approximately 1 week ago and currently has all of his belongings piled up outside in the carport and on the driveway. The landlord stated that the tenant currently owes the landlord \$1280.00 in unpaid rent.

As the tenant still has his belongings on the property and the landlord would like to secure the property as quickly as possible, the landlord per section 55 of the Act has requested an order of possession for the rental unit. The landlord very concerned about the condition of the interior of the rental unit and to ensure that water was not left running or that the unit has suffered damage, the landlord may exercise his right to enter under section 29 (e), (f) of the Act

Landlord's right to enter rental unit restricted

(1) A landlord must not enter a rental unit that is subject to a tenancy agreement for any purpose unless one of the following applies:

- (e) the tenant has abandoned the rental unit;*
- (f) an emergency exists and the entry is necessary to protect life or property.*

Analysis

In the absence of any submissions or testimony at the hearing from the tenant upon which to make a decision and as the landlord attended, I have dismissed the application with no liberty to reapply being granted.

*Residential Tenancy Act Section 55 **Order of possession for the landlord***

(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

The landlord's verbal request for an order of possession is granted.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

Per section 55 of the *Act* I grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: June 20, 2011.

Residential Tenancy Branch