



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, O, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit, other and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail however it could not be confirmed who accepted the registered mail as the tenants abandoned the rental unit on or about August 31, 2011.

As service of documents cannot be verified the monetary portion of the landlord's application will be dismissed however as the rental unit has been abandoned the request for an order of possession will be heard.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This fixed term tenancy began March 1, 2011 with monthly rent of \$1050.00 and the tenants paid a security deposit of \$470.00.

The landlord testified that they had entered in to a fixed term tenancy with the tenants as the building had been sold and was to be delivered vacant September 1, 2011. The landlord stated that the tenants were last seen at the rental unit on August 31, 2011 and that neither the tenant's parents nor welfare worker knew where the tenants were.

The landlord stated that the tenant's father came to the rental unit in early September and took some articles of clothing and furniture but stated that he wanted nothing to do with removing the rest of the tenant's items that have been abandoned in the rental unit.

As the rental unit has been abandoned by the tenants the landlord is seeking an order of possession for the rental unit effective this date.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to an order of possession.

The tenants per Residential Tenancy Regulation section 24(1)(a) Abandonment of personal property, vacated the rental unit and left their personal property in the rental unit after the tenancy agreement ended on August 31, 2011. Therefore the landlord may consider the rental unit as abandoned and take possession of the rental unit effective this day.

The landlord's application for a monetary order for unpaid rent and utilities is dismissed with leave to reapply.

I remain silent on the landlord's request to recovery the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession** effective not later than **1:00 PM, September 29, 2011**. 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: September 29, 2011

Residential Tenancy Branch