



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC and FF

Introduction

This application was brought by the tenants on October 7, 2011 seeking to have set aside a Notice to End Tenancy for unpaid rent dated October 2, 2011 and setting an end of tenancy date of October 12, 2011.

Despite having made this application, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, the application is dismissed without leave to reapply.

On hearing that determination, the landlord requested an Order of Possession pursuant to section 55(1) of the *Act* which compels issuance of the order on the landlord's oral request when a tenant's application to set a notice to end is dismissed and/or the notice is upheld.

Issue to Be Decided

This matter now requires a decision on the effective date of the Order of Possession requested by the landlord.

Background and Evidence

This tenancy began on March 1, 2011 and the tenants appear to have abandoned the rental unit on or about October 22, 2011. Rent is \$1,100 per month and the landlord holds a security deposit of \$1,100 paid on or about March 1, 2011.

During the hearing, the landlord advised that the Notice to End Tenancy of October 2, 2011 had been served when the tenants had a rent shortfall of \$950 for the rent due on October 1, 2011. In the interim, the shortfall remains unpaid and the tenants have not paid rent for November 2011.

The landlord stated that to all appearances, the tenants abandoned the rental unit on or about October 22, 2011 without notice and without providing a forwarding address or any other contact information. The tenants' property appears to have been removed although the landlord stated that police have advised her that a vehicle left on the property has been reported as stolen.

Analysis

As noted, under the present circumstances, issuance of the Order of Possession is mandated by section 55(1) of the *Act*.

With respect to the effective date of the Order, in view of the abandonment and the tenants' failure to participate in the hearing, and the need for the landlord to have access to the property to ensure its security, I find that the Order of Possession will take effect at 6 p.m. on November 2, 2011, the date on which the order is issued.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 6 p.m. on November 2, 2011.

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: November 02, 2011.

Residential Tenancy Branch