



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent only.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on July 12, 2012 in accordance with Section 89.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause, pursuant to Sections 47 and 55 of the *Act*.

Background and Evidence

The landlord testified the tenancy began in May 2010 for a current monthly rent of \$1,500.00 due on the 1st of each month. The landlord also testified the tenant was issued a 1 Month Notice to End Tenancy for Cause in May 2012 as the landlord has an order from the local health authority requiring the vacancy due to the failure of the septic system.

The landlord further testified the tenant vacated the rental unit and returned the keys to the rental unit on June 29, 2012. Unbeknownst to the landlord the tenant had allowed someone to stay in the rental property and she is now refusing to vacate the property.

Analysis

Section 44 of the *Act* states a tenancy ends if the tenant vacates the rental unit. From the testimony of the landlord's agent, I find the tenancy ended on June 29, 2012 when the tenant return keys to the rental unit and vacated the property. I find that if there is

any person in the rental unit at this time that they are occupants only and have no rights under the *Act*.

Conclusion

Based on the above, as the landlord has had possession of the unit returned from the tenant, I dismiss the landlord's Application in its entirety.

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: July 31, 2012.

Residential Tenancy Branch