



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

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

The hearing was conducted via teleconference and was attended by the landlords.

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)* April 9, 2013 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 landlords are entitled to an order of possession to end the tenancy early and without notice, pursuant to Section 56 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord testified the tenancy began on October 1, 2011 as a month to month tenancy for a monthly rent of \$650.00 due on the 1st of each month with a security deposit of \$325.00 paid.

The landlord testified that on the night that she served the tenant with notice of this hearing the tenant had several people in the rental unit making a lot of noise and that ever since they have not seen the tenant.

The landlord also testified that they thought the tenant had abandoned the rental unit and so provided the tenant with notice of their intent to enter the unit for an inspection. Upon inspection the landlord notes that most personal possessions have been removed and the only remaining items are garbage and some furniture that appears damaged and left behind.

Analysis

Section 44 of the Act stipulates how a tenancy may end and includes under Section 44(1)(d) that it may end if the tenant vacates or abandons the rental unit. Based on the undisputed testimony of the landlord I accept the tenant has vacated the rental unit.

Based on this finding I order the landlord may immediately change locks on the rental unit find the landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective **two days after service on the tenant**. This order must be served on the tenant only if the tenant returns to the rental unit. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: April 18, 2013

Residential Tenancy Branch