



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NORDON VILLA
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes opc, ff

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, base upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing.

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began July 15, 2014. The tenant was to live alone in the premises, but has never resided there. A different occupant and his friends have resided there. The landlord testified that the tenant was served by handing the notice of this hearing to this occupant of the premises, and also by way of putting the documents in the mailbox and on the door. The landlord does not know the age of the occupant that was handed the materials, but met him when the tenant first rented the unit. When the landlord last saw this occupant on September 11, 2014, the police had him on the hall floor in handcuffs, and he advised the police he and his friends would never return to the premises. The landlord considers the premises to be abandoned as since September 11, 2014, no one has resided at the premises. The only person to enter was a plumber called by the landlord to deal with a shower that had been left running that night. No rent for October has been paid.

Analysis

As the age of the occupant is uncertain, it has not been established that the tenant was served by way of handing the documents to an adult who apparently occupies the premises. However, as the documents were also placed in the mailbox, and under the unique circumstances of this case, I order pursuant to section 71(2)(b) of the Act that both the Notice to End Tenancy, and the Notice of this hearing have been sufficiently served to the tenant.

I accept the landlord's advice that the premises have been abandoned. The landlord is therefore determined to have regained possession by way of such abandonment. No

Order of Possession is therefore required, as the landlord is already lawfully in possession.

Conclusion

The tenancy has ended, and the premises have been abandoned. No Order of Possession is issued as the landlord already has regained lawful possession.

I order that the landlord may recover the \$50.00 filing fee, by retaining this sum from the tenant's security deposit.

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: October 30, 2014

Residential Tenancy Branch

