



# 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 an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the “Act”), to End Tenancy Early and obtain an order of possession.

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on August 29, 2015, a Canada post tracking numbers /were provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenants have been duly served in accordance with the Act.

### Issues to be Decided

Is the landlord entitled to End Tenancy Early and obtain an order of possession.

### Background and Evidence

The landlord testified that they have been told by the police that the tenants are no longer living in the rental unit and are possibly in jail. The landlord stated that the tenants have not paid any rent for three months and have not been seen for approximately two months. The landlord stated that the only item left in the rental unit is an old cabinet all other personal property has been removed.

### Analysis

In this case, the landlord seeks to end tenancy early and obtain an order of possession.

However, I find the reasons given do not support an early end to tenancy.

However, I find based on the evidence given by the landlord that the tenants' have abandoned the rental unit, as defined in Part 5 of the Residential Tenancy Branch Regulations.

As the evidence supports the tenants have not been present for over one month for which they have not paid rent and they have removed substantial all of their personal property and the landlords have been informed by the police that the tenants will not be back.

Therefore, I find the tenants have abandoned the rental unit and the tenancy has legally ended on September 18, 2015.

I find that the landlord is entitled to an order of possession, pursuant to section 62, and 55 of the Act, effective **immediately**.

### Conclusion

The landlord is granted an order of possession.

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 18, 2015

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Residential Tenancy Branch

