



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KENMARK INVESTMENTS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing was scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act. The landlord was represented at the hearing; however, there was no appearance on part of the tenant despite leaving the teleconference call open for at least 10 minutes. The manager testified that the hearing documents were sent to the tenant at the rental unit address via registered mail on June 23, 2017. The landlord had provided a copy of the registered mail receipt, including tracking number, as proof of service. A search of the tracking number shows that the tenant has not picked up the registered mail despite two notice cards being left by Canada Post. Under section 90 of the Act a person is deemed to have been served with documents sent to them five days after mailing even if the person refuses to accept or pick up their mail. I found the tenant was deemed to be served with the hearing documents on June 28, 2017 and I continued to hear from the landlords without the tenant present.

The landlord's agents testified that the keys to the rental unit were surrendered to the landlord's office on July 5, 2017 and no rent was received from or on behalf of the tenant for the month of July 2017. The landlord is of the view the tenant has vacated or abandoned the rental unit.

Section 44 provides that a tenancy ends when a tenant vacates or abandons the rental unit. Where a tenant vacates or abandons the rental unit possession of the rental unit automatically reverts back to the landlord and an Order of Possession is no longer required to take possession of the unit. Any abandoned possessions are to be dealt with in accordance with the abandoned property provisions found in the Residential Tenancy Regulations.

Given these circumstances, the landlord requested their application be withdrawn. I have recorded this application as being withdraw without prejudice.

I make no award for recovery of the filing fee.

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 13, 2017

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Residential Tenancy Branch