



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

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 pursuant to an Application for Dispute Resolution filed on February 2, 2019. The landlord's agent and one of the co-owners appeared on behalf of the named landlord. There was no appearance on part of the tenant.

The landlord's agent testified that she delivered the hearing package and evidence to the tenant in person at her place of employment on February 8, 2019. I was satisfied the tenant was duly served with notification of this proceeding and I continued to hear from the landlords without the tenant present.

The landlord and agent testified that the tenant has not been at the rental unit since February 5, 2019 when she was seen removing some personal property from the rental unit; however, the tenant has left some possessions behind in the rental unit. Also, the landlord and agent testified that rent has not been paid since January 2019. The landlord considers the rental unit to have been abandoned by the tenant at this point.

When a tenant abandons a rental unit, possession of the unit automatically reverts back to the landlord and an Order of possession is not required. In the circumstances, I am of the view the landlord has a reasonable basis to conclude the tenant has abandoned the rental unit. Accordingly, I find the landlord does not require an Order of Possession to regain possession of the unit and I do not provide one with this decision.

As for the tenant's personal property that has been left behind at the rental unit, the landlord stated he will deal with the tenant's possession in accordance with the abandoned property rules. I referred the landlord to the abandoned property provisions found in Part 5 of the Residential Tenancy Regulations.

Conclusion

The tenant has abandoned the property and an Order of Possession is no longer required and is not provided.

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: March 07, 2019

Residential Tenancy Branch