



# 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 landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56.

The tenant did not attend this hearing, although I left the teleconference connection open until 9:40 a.m. to enable the tenant to call into this hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlords and I were the only ones who had called into this teleconference.

The landlords attended the hearing and testified they served the tenant with the Notice of Dispute Resolution Proceedings by posting it to the door of the tenant's residence on June 2, 2020. The posting to the door was witnessed by the co-landlord. The landlords supplied a proof of service document to corroborate the testimony. I am satisfied the tenant was deemed served with the Notice of Dispute Resolution Proceedings in accordance with sections 89 and 90 of the *Act* on June 5, 2020, three days after posting to the tenant's door.

### Preliminary Issue

The landlords testified that since posting the Notice of Dispute Resolution Proceedings to the tenant's door, the tenant had abandoned the rental unit. The tenant returned to the unit on a single occasion, June 10, 2020 in an intoxicated state but left shortly thereafter without entering.

On June 19, 2020, the landlords received a telephone call from the tenant's counsellor at a recovery center asking if they could retrieve some of the tenant's belongings. The same day, the landlords received a letter, signed by the tenant and the director of the

recovery center where the tenant now resides, advising he relinquishes possession of the rental unit. The letter was read into the record by the landlord.

The landlords further testified that although there are two tenants named on the tenancy agreement, one tenant is deceased, leaving only the remaining tenant to this dispute.

Based on the foregoing, I am satisfied the tenant has abandoned the rental unit, ending the tenancy effective June 19, 2020 pursuant to section 44 (1)(d) of the *Act*. As the landlord's application was to end the tenancy pursuant to a director's order pursuant to section 44(1)(f), I find there is no longer a tenancy in place for me to end and I dismiss the landlord's application for an early end to the tenancy.

#### Conclusion

The application is dismissed without leave to reapply.

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: June 25, 2020

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Residential Tenancy Branch