



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 681522BC Ltd
and [tenant name suppressed to protect privacy]

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.

The landlord's agents appeared but there was no appearance on part of the tenant.

Since the tenant did not appear, I explored service of hearing materials upon the tenant.

The landlord's agent testified that the proceeding documents were emailed to the tenant and posted to the rental unit door on February 9, 2022. The landlord testified that the tenant abandoned the rental unit two weeks ago and that the hearing package is still affixed to the rental unit door. The landlord further stated that he screwed the rental unit door shut as it had been kicked in and broken. The landlord stated that the tenant and his girlfriend had told an RCMP officer who attended the property that they would vacate and the landlord has seen the tenant since and the tenant has not come to seek re-entry into the rental unit.

Where a tenant vacates or abandons a rental unit, possession of the rental unit reverts back to the landlord automatically and an Order of Possession is not required. Also of consideration is that the hearing materials were likely posted to the rental unit door, or deemed received three days later pursuant to section 90 of the Act, after the tenant already abandoned the rental unit and it would appear the tenant has not been notified of this proceeding. I was not provided evidence to demonstrate that the hearing package was emailed to the tenant at a pre-agreed email address for purposes of serving documents.

In light of the above, I do not further consider issuing an Order of Possession to the landlord with this decision.

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: February 22, 2022

Residential Tenancy Branch