



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BY THE BAY HOME DEVELOPMENT  
LTD and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPL – 4M

### Introduction

This hearing was scheduled for 1:30 p.m. on this date, via teleconference, to deal with a landlord's application for an Order of Possession based on a *Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit*.

The landlord was represented at the hearing by an agent and legal counsel; however, there was no appearance on part of the tenant despite leaving the teleconference call open until 1:42 p.m.

The landlord's legal counsel stated the tenant was served with the proceeding documents, in person, by a process server on December 9, 2022. Counsel stated he had an affidavit of service but it had not been submitted as evidence prior to the hearing.

The landlord's agent stated the tenant has already given up possession of the rental unit when the keys for the rental unit were returned on January 2, 2023, although the tenant left some possessions at the rental unit.

Legal counsel stated the landlord understood that the tenant intended to call into the hearing so the landlord had representation at the hearing to hear what the tenant would submit.

Having waited until 1:42 p.m. and the tenant had yet to connect to the teleconference call, I ended the hearing.

I do not issue an Order of Possession to the landlord as the landlord has already obtained possession of the unit and I was not provided a copy of a valid notice to end tenancy.

The landlord is encouraged to familiarize themselves with the abandoned property rules provided in the Residential Tenancy Regulations having heard the tenant has left possessions at the property.

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: January 06, 2023

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Residential Tenancy Branch