

## **DECISION**

**Dispute Codes:** OPB, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee.

The notice of hearing was served on the tenant in person by the landlord on January 28, 2011. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing the landlord requested me to amend his application to include an application for a monetary order for rent for February.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for rent and the filing fee?

### **Background and Evidence**

The tenancy started on July 01, 2010, for a fixed term of six months. The landlord filed a copy of the tenancy agreement which indicates that the tenant initialled the term that states that on December 31, 2010, the tenancy ends and the tenant must move out of the residential unit. The landlord is applying for an order of possession as the tenancy has ended but the tenant continues to occupy the rental unit. The tenant has not paid rent for February.

**Analysis**

Section 44 (1) (b) of the *Residential Tenancy Act* states that a tenancy ends if the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit on the date specified as the end of the tenancy.

Based on the signed tenancy agreement, I find that the tenancy ended on December 31, 2010 and that the tenant should have moved out by that date. Therefore the landlord is entitled to an order of possession and pursuant to section 55(2), I am issuing a formal order of possession effective on or before 1:00 p.m. on February 28, 2011. The Order may be filed in the Supreme Court for enforcement.

The tenant still continues to occupy the rental unit and has not paid rent for February 2011. Therefore I find that the landlord is entitled to \$850.00 for rent. Since the landlord has proven his case he is also entitled to \$50.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$900.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

I grant the landlord an order of possession effective on or before **1:00 p.m. on February 28, 2011** and a monetary order for \$900.00.

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 03, 2011.

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Residential Tenancy Branch