

Decision

Dispute Codes: OPE, FF

Introduction

This hearing was convened in response to an application by the landlord for an order of possession / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite being served in person on July 27, 2011 with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to the above under the Act

Background and Evidence

The landlord resides in the upstairs portion of a house. The lower portion of the house includes a self-contained unit. The unit was made available to the tenant on a month-to-month basis beginning in November 2010. In exchange for accommodation, the tenant undertook to complete certain work at the house. Following completion of the work by May 1, 2011, the tenant declined to vacate the unit by June 1, 2011. In the result, the landlord issued a 1 month notice to end tenancy for end of employment dated June 26, 2011. The notice was served in person on the tenant on that same date. Subsequently, the tenant vacated the unit during the weekend of August 20 & 21, 2011, even while some of his possessions remain. Despite what appears to be the tenant's decision to vacate the unit, the landlord wishes still to obtain an order of possession.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was personally served with a 1 month notice to end tenancy for end of employment dated June 26, 2011. Following his receipt of the notice, the tenant did not apply to dispute it within the 10 day period available for doing so. I find, therefore, that the landlord has established entitlement to an order of possession.

As the landlord has succeeded in this application, I find that he is entitled to recover the \$50.00 filing fee and, accordingly, I grant the landlord a monetary order for this amount.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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*.

DATE: August 24, 2011

Residential Tenancy Branch