



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, OPC

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on Notice to End Tenancy for cause, that was served on the tenant on June 7, 2011.

The applicant was also requesting a monetary order of \$829.00 however that claim was withdrawn at the hearing.

The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- On June 7, 2011 a Notice to End Tenancy for cause was posted on the tenant's door.
- The Notice to End Tenancy ended the tenancy on August 31, 2011, however the tenant failed to vacate the rental unit.
- The tenant is still in the rental unit and therefore they have accepted be payment for September 2011 however it was accepted for use and occupancy only.
- They are therefore requesting an Order of Possession for as soon as possible and order that the tenant pay the \$50.00 filing fee.

The respondent testified that:

- He did receive the Notice to End Tenancy however he wants more time to find a place to move to as he does not believe they have been given enough time.
- He requested more time from the landlords however they have denied that request.

Analysis

The Notice to End Tenancy given to the tenant had an end of tenancy date of August 31, 2011 and therefore the tenant should have vacated by that time. The tenant has therefore already had a full month longer than was required and I am not willing to grant a further extension.

I therefore allow the landlords request for an Order of Possession and for recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants, and ordered that the tenants paid \$50.00 to the landlord.

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: September 30, 2011.

Residential Tenancy Branch