



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB, OPC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for breach of the tenancy agreement, an order of possession for cause and recovery of the filing fee. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This fixed term tenancy began December 15, 2010 with monthly rent of \$900.00 and the tenants paid a security deposit of \$450.00. The fixed term tenancy agreement has an end of tenancy date of August 31, 2011 and both the landlord and tenants have initialled 2 b) ii) of the tenancy agreement.

The landlord testified that the tenants remain in the rental unit although the tenancy ended on August 31, 2011. The landlord stated that the rent for September 2011 has not been paid by the tenants.

The tenant testified that she clearly understood that the tenancy ended on August 31, 2011 and stated that she has been desperately looking for new place to live since the start of August but cannot find anything. The tenant stated that she is all packed, the rental unit all cleaned, she will vacate as soon as possible and asked the landlord to allow her more time to find a place to go however the landlord declined the tenants request.

As the tenants remain in the rental unit the landlord has requested an order of possession effective 2 days after service upon the tenants.

### Analysis

Based on the documentary evidence and testimony of the parties, I find on the balance of probabilities that the landlord is entitled to an order of possession per section 55 of the *Act* as the tenancy, per the signed tenancy agreement, ended on August 31, 2011.

Residential Tenancy Act **section 55 Order of possession for the landlord** speaks to:

*(2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:*

*(c) the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit at the end of the fixed term.*

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord is entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the *Act* to keep \$50.00 the tenant's \$450.00 security deposit in full satisfaction of the claim.

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 15, 2011.

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Residential Tenancy Branch