



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking for an order of possession for the rental unit.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an order of possession pursuant to section 55 of the Residential Tenancy Act (the "Act").

Background and Evidence

The landlord submitted a copy of a document signed by the tenant, which stated that he, the tenant, had not paid rent for September, 2011, and promised to move from the rental unit and have the rental unit empty by September 20, 2011.

The landlord stated that the tenant has not paid rent for September, October or November, and that the rental unit is occupied by the tenant's friends, who are "using the system" to stay in the rental unit.

The tenant stated that he is living in the rental unit and acknowledged signing the document, agreeing to be out of the rental unit by September 20, 2011.

The tenant had no clear explanation why he did not move out and also confirmed not having paid rent for September, October or November.

Analysis

I have reviewed all the evidence and accept that the tenant provided the landlord written notice that he was ending the tenancy on September 20, 2011.

I find that the tenant failed to move from the rental unit in contravention of his notice and pursuant to section 55(2) (a) of the Act, I therefore find that the landlord is entitled to an Order of Possession.

I **grant** the landlord the Order of Possession effective **two days after service on the tenant**.

I am enclosing an Order of Possession with the landlord's Decision. This order is a **legally binding, final order**, and may be filed in the Supreme Court of British Columbia should the tenant fail to comply with this order of possession.

Conclusion

The landlord is granted an Order of Possession.

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: November 16, 2011.

Residential Tenancy Branch