



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), seeking an order of possession due to the tenants breaching a fixed term tenancy agreement with the landlord; and to recover the filing fee.

The landlord appeared by conference call and gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord provided affirmed testimony that the Notice of a Dispute Resolution Hearing was served on both tenants by registered mail on May 12, 2012. The landlord also provided registered mail receipts as documentary evidence prior to the hearing. I find the tenants were served in accordance with the *Act*.

Issue(s) to be Decided

- Should the landlord be granted an order of possession?
- Should the landlord recover the filing fee?

Background and Evidence

The landlord provided a copy of the signed tenancy agreement as evidence. The tenancy agreement states the tenancy was a 1 month fixed term tenancy which began on May 1, 2012, and was scheduled to end on May 31, 2012. Both parties signed the fixed term tenancy agreement indicating that tenants would move out of the residential unit by May 31, 2012. The landlord testified that the tenants advised him verbally on either May 9, 2012 or May 10, 2012 that the tenants "were not leaving and not paying any more rent." The landlord confirmed during the hearing that the tenants continue to occupy the rental unit and, therefore, he is seeking an order of possession.

Analysis

Based on the oral testimony and documentary evidence before me, I find the tenants breached the written tenancy agreement by not vacating the rental unit by May 31, 2012.

Given the above, I find the landlord has proven their claim on the balance of probabilities and is, therefore, entitled to an order of possession and a monetary order for \$50.00 to recover the cost of the filing fee.

Conclusion

I find that the landlord has proven his claim and is, therefore, entitled to an order of possession effective **two days** after service upon the tenants. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

As the landlord was successful in his application, I find that the landlord is entitled to monetary compensation pursuant to section 67 of the *Act*, in the amount of **\$50.00** to recover the filing fee.

This order must be served on the tenants and may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: June 4, 2012

Residential Tenancy Branch