



# 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 an Order of Possession for breach of an agreement. The tenant did not appear at the hearing. The landlord testified that the hearing documents were sent to the tenant on May 11, 2012 at the rental unit and that the documents were signed for by the tenant's daughter. The landlord verbally provided the registered mail tracking number as proof of service. I was satisfied the landlord sufficiently served the tenant in a manner that complies with the Act and I proceeded to hear from the landlord without the tenant present.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

On February 29, 2012 the parties executed a written tenancy agreement for a tenancy set to commence March 1, 2012 and expire on April 30, 2012. The tenancy agreement indicates that at the expiration of the fixed term the tenancy would end and the tenant would have to vacate the rental unit.

The landlord testified that the tenant has not vacated the rental unit and the landlord has not collected any rent after April 2012. The landlord testified that the tenant did not pay a security deposit.

### Analysis

Section 55(2) of the Act provides that a landlord may request an Order of Possession where:

- (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;

Upon review of the written tenancy agreement before me, I am satisfied the tenancy is a fixed term and that the parties had agreed that the tenant would vacate at the end of the fixed term.

Since the tenant has not vacated the rental unit in accordance with the requirement to do so under the tenancy agreement, I grant the landlord's request for an Order of Possession. Provided to the landlord is an Order of Possession effective two (2) days after service upon the tenant.

As the landlord was successful in this application I also award the filing fee to the landlord. Provided to the landlord is a Monetary Order in the amount of \$50.00 to serve upon the tenant.

### Conclusion

The landlord has been provided an Order of possession effective two (2) days after service upon the tenant. The landlord has been provided a Monetary Order in the amount of \$50.00 to serve upon the tenant.

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: May 31, 2012.

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Residential Tenancy Branch