

DECISION

Dispute Codes OPB, MNR, O, FF

Introduction

This is an application filed by the Landlord for an order of possession because the Tenant has breached an agreement with the Landlord, a monetary order request for unpaid rent or utilities and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. No documentary evidence has been submitted by either party. The Landlord states that the Tenant was personally served by him on July 7, 2012 with the notice of hearing package. I accept the undisputed direct testimony of the Landlord that the Tenant was personally served with the notice of hearing documents on July 7, 2012.

The Landlord states that an evidence package was sent via fax to the Residential Tenancy Branch consisting of a copy of the signed tenancy agreement. The Landlord states that he has a fax confirmation that the document was received. I find that if the Landlord can provide me a copy of the evidence as noted with the fax confirmation, that this can be considered for the Landlord's application. The Landlord has sent in the fax confirmation with the noted evidence submitted. As such, I accept the Landlord's evidence for consideration in my decision.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

The Landlord states that the Tenant has over-held the rental unit based upon the signed tenancy agreement which both parties agreed to a fixed term tenancy which ends on June 30, 2012. The Landlord seeks an order of possession and a monetary order for compensation of \$750.00 for July 2012 since the Tenant has over-held the rental property. The Landlord states that he gave notice verbally and in a text message to the Tenant to vacate the rental unit as noted on the Tenancy Agreement. The Landlord states that the Tenant is still in possession of the rental to the date of this hearing.

The Landlord has provided a copy of the signed tenancy agreement dated April 10, 2012 which both parties entered into. It shows that the Tenancy began on April 1, 2012 on a 3 month fixed term tenancy ending on June 30, 2012 from which the tenancy ends and the Tenant must move and vacate the rental unit. Both parties have initialled this agreement.

I find based upon both the direct testimony and the documentary evidence submitted by the Landlord that a claim has been established by the Landlord. The Landlord is entitled to an order of possession. The Tenant must be served with a copy of the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The Landlord has also established a claim for compensation of \$750.00 equal to the monthly rent as the Tenant has over-held possession of the rental unit. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$800.00.

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: July 25, 2012.

Residential Tenancy Branch