



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Dogwood Holdings Society  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes: O, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for "other" and to recover the fee for filing an Application for Dispute Resolution. It is readily apparent from information on the Application for Dispute Resolution that the Landlord is seeking an Order of Possession and the Application for Dispute has been amended to include an Order of Possession because the tenant has breached the tenancy agreement.

The Agent for the Landlord stated that the Application for Dispute Resolution and the Notice of Hearing were sent to the Tenant, by registered mail, on March 04, 2013. The Agent for the Landlord cited a Canada Post tracking number that corroborates that testimony.

The Agent for the Landlord stated that the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wishes to rely upon as evidence were also posted at the rental unit on March 04, 2013.

In the absence of evidence to the contrary, I accept that the aforementioned documents were served to the Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*.

### Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession?

### Preliminary Matter

The Agent for the Landlord stated that the Landlord has already been issued an Order of Possession for the rental unit on the basis of unpaid rent; that the Landlord has a Writ of Possession on the basis of that Order of Possession; and that the Writ of Possession is the subject of a matter that is scheduled to be heard in the Supreme Court of British Columbia on March 28, 2013.

Section 58(2) of the *Act* prevents me from determining a matter that is substantially linked with a matter that is before the Supreme Court of British Columbia. As the matter that is currently before the Supreme Court of British Columbia relates to ending the tenancy on the basis of unpaid rent and this

matter relates to ending the tenancy on the basis of the end of the fixed term of the tenancy, I find the matters are not substantially linked. I therefore assume jurisdiction this matter.

### Background and Evidence

The Landlord submitted a copy of a tenancy agreement that shows this tenancy began on October 01, 2012; the tenancy was for a fixed term that ended on February 28, 2013, and that the Tenant must vacate the rental unit on that date. The Agent for the Landlord stated that the Tenant is still living in the rental unit.

### Analysis

Based on the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to vacate the rental unit at the end of the fixed term of the agreement, which was February 28, 2013. I find that this tenancy ended on February 28, 2013, pursuant to section 44(1)(b) of the *Act*, and that the Tenant was obligated to vacate the rental unit on that date. As the rental unit has not been vacated, I find that the Landlord is entitled to an Order of Possession, pursuant to section 52(c) of the *Act*.

I find that the Application for Dispute Resolution has merit and that the Tenant must compensate the Landlord for the cost of filing the Application.

### Conclusion

I grant the Landlord an Order of Possession which is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim of \$50.00 in compensation for the filing fee that was paid and I grant a monetary Order in that amount. In the event the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: March 27, 2013

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Residential Tenancy Branch