



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNDC, OLC, ERP, PSF FF

Introduction,

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for the filing fee. The tenant applied for an order directing the landlord to carry out emergency repairs, comply with the *Act* and provide services. The tenant also applied for a monetary order for compensation.

The landlord testified that he served the tenant with the notice of hearing on February 26, 2013 in person. Despite having been served with the notice of hearing and having made application, the tenant did not attend the hearing. Therefore the tenant's application is dismissed. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for the filing fee?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on November 01, 2012 for a fixed term of four months. The landlord filed a copy of the signed agreement. By initialling the boxes in the agreement, the tenant agreed to move out at the end of the term. The term ended on February 28, 2013. As of the date of this hearing on March 26, 2013, the tenant had not moved out. The landlord is requesting an order of possession effective immediately.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim. As per the tenancy agreement, the tenant agreed to move out of the rental unit at the end of the fixed term but has failed to do so.

Therefore, pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

Since the landlord has proven his claim, he is entitled to recovery of the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. I also grant the landlord a monetary order in the amount of **\$50.00**.

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: March 26, 2013

Residential Tenancy Branch