



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Melectra Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an application by the landlord to end the tenancy early and obtain an order of possession. The owner, an agent for the landlord and both tenants participated in the teleconference hearing.

During the hearing, the tenants stated that they were already moving out of the rental unit, and they were not opposed to the landlord receiving an order of possession. I therefore dismissed the portion of the landlord's application regarding ending the tenancy early.

The only remaining issue was recovery of the filing fee for the cost of the application. The landlord stated that the tenants were putting the property at risk by lighting illegal fires on the property while there was a burn ban in effect. The tenants stated that they did not oppose the landlord's application to recover the filing fee, but they also stated that they were moving out pursuant to the fixed term tenancy, which ended on August 31, 2013 and required that the tenants vacate by that date. The tenants also stated that they had nothing to do with the fire that burned down the shed on the rental property. The tenants had not fully vacated the rental unit on the date of the hearing, September 6, 2013.

I find that the landlord is entitled to recovery of their filing fee. The tenants had not fully vacated the rental unit by August 31, 2013, and they were therefore in violation of the tenancy agreement and were over-holding. The tenants also acknowledged that they had been shut down by the fire department for their fires on the property. Without making any findings regarding the fire that burned down the shed on the rental property, I find that the landlord's application for an early end of tenancy likely motivated the tenants to move out, rather than the end of the fixed term.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

I further grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the 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 *Residential Tenancy Act*.

Dated: September 6, 2013

Residential Tenancy Branch

