



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Upper College Heights  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, O, MND, MNDC, MNSD

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were heard together.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issues are whether or not the tenant should have vacated at the end of the lease, and whether or not the landlord has established a monetary claim against the tenant.

### Background and Evidence

On March 18, 2014 the tenant signed a fixed term tenancy agreement states that the tenant must vacate the rental unit at the end of the term unless the tenant has entered into a new tenancy agreement with the landlord.

The end of the term is August 8, 2014.

The tenant failed to vacate the rental unit on August 8, 2014 and subsequently applied for dispute resolution on August 12, 2014 stating that he wished to sign a new tenancy agreement.

The landlord is unwilling to sign a new tenancy agreement for this rental unit, and in fact has rented the unit for August 15, 2014 to new tenants.

The landlords are requesting an Order of Possession, and a Monetary Order for rent of \$25.00 per day for 21 days for the time the tenant has over held in the rental unit.

The landlord stated that he has vacated the rental unit, and the landlords are free to enter and take possession immediately.

### Analysis

Since the tenant has stated he has already vacated the rental unit and is willing to allow the landlords to have possession, I will issue an immediate Order of Possession.

Further it is my finding that the tenant was bound by the fixed term tenancy agreement and should have vacated the rental unit on August 8, 2014 and since he has failed to do

so I will allow the landlords claim of \$25.00 per day for rent for that unit for total of 21 days.

I also allow the landlord's claim of \$100.00 for administration fees, as the landlord had to make arrangements for the other tenants who were to have possession of the rental unit on August 15, 2014, plus the landlord had extra work to deal with the tenant's failure to vacate the rental unit.

I also allow the landlords request for recovery of their \$50.00 filing fee.

### Conclusion

The tenant's application is dismissed in full without leave to reapply.

I have issued an immediate Order of Possession.

I have allowed the landlords full reduced claim of \$675.00 and I therefore order that the landlords may retain the full security deposit of \$250.00, and I have issued a Monetary Order for the tenant to pay \$425.00 to the landlords.

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: August 28, 2014

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Residential Tenancy Branch

