



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BAYSIDE PROPERTY SERVICES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD O FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 25, 2014, by the Landlord to obtain an Order of Possession for other reasons and to recover the cost of the filing fee from the Tenant for this application.

The hearing was conducted via teleconference and was attended by the Landlord and Building Manager. The Landlord submitted that the Tenant was served with copies of the Landlord's application for dispute resolution and Notice of dispute resolution hearing, on August 1, 2014, by registered mail. Canada Post receipts were provided in the Landlord's evidence. Based on the submissions of the Landlord I find the Tenant was deemed served notice of this proceeding on August 6, 2014, in accordance with section 90 of the Act; and I proceeded in the Tenant's absence.

### Issue(s) to be Decided

Has the Landlord proven entitlement to an Order of Possession?

### Background and Evidence

The Landlord submitted documentary evidence of a tenancy agreement which the Tenant executed a written tenancy agreement, with the previous landlord, for a fixed term tenancy that commenced on October 1, 2013 and was scheduled to end on September 30, 2014 at which time the tenancy ends and the Tenant is required to move out of the rental unit. The Landlord testified that their company acquired the rights to this tenancy when they took over the building at the end of December, 2013.

The Landlord testified that the Tenant has informed them that they will not be vacating the unit in accordance with the tenancy agreement. Therefore, the Landlord is seeking an Order of Possession in accordance with the tenancy agreement and to recover the cost of the filing fee.

### Analysis

Given the evidence before me, in the absence of any evidence from the Tenant who did not appear despite being properly served with notice of this proceeding, I accept the undisputed version of events as discussed by the Landlord and corroborated by their evidence.

Section 55(2)(c) of the Act stipulates that a landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution if the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit at the end of the fixed term.

The evidence supports that the tenancy agreement section 2.b. provides that the tenancy ends and the tenant must move out of the premises on September 30, 2014. Accordingly, I award the Landlord an Order of Possession.

The Landlord has succeeded with their application; therefore, I award recovery of the **\$50.00** filing fee.

### Conclusion

The Landlord has been granted an Order of Possession effective **September 30, 2014, after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be filed with the Province of British Columbia Supreme Court and enforced as an Order of that Court.

The Landlord may deduct the one time award of \$50.00 from the Tenant's security deposit, as full compensation for recovery of their filing fee.

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 29, 2014

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Residential Tenancy Branch

