



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB O

Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 7, 2014, by the Landlord to obtain an Order of Possession for breach of an agreement and for other reasons.

The hearing was conducted via teleconference and was attended by the landlord. 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 July 7, 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 July 12, 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 regained possession of the unit?

Background and Evidence

The Landlord submitted evidence that the parties entered into a written tenancy agreement for a fixed term tenancy that commenced on May 1, 2014 and was scheduled to end on July 31, 2014, at which time the tenancy ended and the tenant was required to move out of the residential unit. The Tenant was required to pay rent of \$1,200.00 on the first of each month. The Landlord signed the tenancy agreement on behalf of her father, for whom she is power of attorney.

The Landlord testified that the Tenant remained in possession of the unit until September 1, 2014, without paying the \$161.00 owed for July and without paying for use and occupancy. The Tenant returned the keys on September 1, 2014, and left the unit with some possessions and piles of used construction material on the property.

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.

I accept the undisputed evidence that the Tenant failed to move out of the rental property on July 31, 2014 as required by the tenancy agreement. I further accept that the Tenant over held the rental property until September 1, 2014, without paying for use and occupancy. The Landlord has regained possession of the unit; therefore, I decline to award an Order of Possession. The Landlord is at liberty to file another application if she wishes to seek compensation for any loss suffered as a result of this tenancy.

Conclusion

The Landlord has regained possession of the rental property; therefore, no further action is required and the file is now closed.

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 08, 2014

Residential Tenancy Branch

