



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      O, OP, FF

### Introduction

This was an application by a landlord for an Order for Possession pursuant to a fixed term tenancy. Only the landlord attended the hearing

### Issue(s) to be Decided

Is the landlord entitled to an Order for Possession?

### Background and Evidence

The landlord RC testified that he handed the tenant the application for dispute resolution on December 29, 2014 and the new evidence including a copy of the newest tenancy agreement on January 15, 2015. The landlord testified that he entered into a series of fixed term tenancies with the tenant to rent the unit with a monthly rent of \$ 1,120.00 per month. The landlord currently holds a security deposit of \$ 560.00 which he obtained on May 30, 2014. RC testified that he entered into a tenancy agreement: dated October 15, 2014 ending on January 15, 2015. The tenant was required to move out at the end of that tenancy. The landlord then brought this application seeking an Order for Possession effective on January 15, 2015.

Subsequently, the landlord and tenant entered into another fixed term tenancy beginning on January 15, 2015 and ending February 15, 2015. That agreement required the tenant to move out on February 15, 2015. RC testified that he does not wish to renew the last tenancy agreement dated January 15, 2015 and wishes an Order for Possession effective February 15, 2015. RC advises that he does not wish to recover his filing fee or make any other monetary claim.

### Analysis

I accept RC's uncontradicted evidence and find that the tenant was served with this application on December 29, 2014. The landlord did not amend his application for dispute resolution to change his relief to requesting an Order for Possession on February 15, 2015 instead of January 15, 2015. The tenant did not attend this hearing. Accordingly I find that the tenant can not be taken to have been aware that the landlord was now requesting an Order for Possession at a later date than requested in the application especially in the context of the parties entering into a new tenancy agreement subsequent to the bringing of this application. In accordance with the principles of natural justice and fairness, in absence of amended application and the presence of the tenant, I cannot grant the landlord his request for an Order for Possession effective February 15, 2105. I must dismiss all the applications.

### Conclusion

I have dismissed the landlord's applications with leave to reapply. There will not be any recovery of the 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: January 20, 2015

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Residential Tenancy Branch

