



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BRISTOL ESTATES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

The Landlord said she served the Tenants with the Application and Notice of Hearing (the “hearing package”) by personal delivery February 12, 2015. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded with both the Landlord and the male Tenant in attendance.

### Issues(s) to be Decided

1. Is the Landlord entitled to an Order of Possession?

### Background and Evidence

This tenancy started on September 1, 2012 as a 1 year fixed term tenancy with an expiry date of August 31, 2013. The tenancy then continued on a month to month basis. Rent is \$865.00 per month payable in advance of the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$425.00 at the start of the tenancy.

The Landlord said she has made this application to request an Order of Possession to support the decision to end the tenancy in a previous hearing and decision dated February 2, 2015. That hearing was requested by the Tenants to cancel a Notice to End Tenancy dated February 2, 2015. The Tenants were unsuccessful in cancelling the Notice to End Tenancy and the Landlord did not request an Order of Possession during that hearing so no Orders were issued.

The Landlord said she is now requesting an Order of Possession for February 28, 2015.

The Tenant said he understands that they have to move out of the rental unit and he is prepared to do so by February 28, 2015. The Tenant said he is not disputing the Notice to End Tenancy.

The Landlord said she is also seeking to recover the filing fee of \$50.00 for this proceeding.

### Analysis

This matter has been decided by a previous hearing on February 2, 2015 and the Landlord has now applied for an Order of Possession to support the decision of February 2, 2015. The previous decision dismissed the Tenants' request to cancel the Notice to End Tenancy and upheld the Notice to End the Tenancy with an effective vacancy date of February 28, 2015. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect at 1:00 p. m. on February 28, 2015.

I also find that as the Landlord was successful in this matter she is entitled to recover the filing fee of \$50.00 for this proceeding from the Tenants. I order the Landlord to retain \$50.00 from the Tenants' security deposit as full payment of the filing fee for this proceeding.

### Conclusion

An Order of Possession effective February 28, 2015 at 1:00 p.m. has been issued to the Landlord. A copy of the Orders must be served on the Tenants: the Order of Possession may be enforced in the Supreme Court of British Columbia.

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: February 23, 2015

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Residential Tenancy Branch

