



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. Other.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not appear. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing the Landlord clarified that they were seeking an order of possession. Although the application does not specifically set out that the Landlord is seeking this order, I note that the details contained in the application reasonably infer that this is what the Landlord was seeking. As the Tenant has not appeared to dispute this inference, I find that the Landlord’s application seeks an order of possession.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy started on April 1, 2014 for a fixed term ending March 31, 2015. The tenancy agreement provided that on this end date the tenancy ends and the Tenant

must move out of the unit. The Landlord states that the Tenant has been refusing to move out of the unit as required by the tenancy agreement and claims an order of possession.

Analysis

Section 55 of the Act provides that a landlord may claim an order of possession 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. Based on the undisputed evidence of the Landlord that the tenant has not moved out of the unit as required under the tenancy agreement, I find that the Landlord has substantiated an entitlement to an order of possession.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: April 30, 2015

Residential Tenancy Branch

