



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

The landlord applies for an order of possession.

The tenant did not attend the hearing.

Issue(s) to be Decided

Has the tenant been duly served with the application and notice of hearing? If so, is the landlord entitled to an order of possession?

Background and Evidence

The rental unit is a one bedroom apartment. The tenant first moved in under a fixed term tenancy starting January 1, 2014 and ending in February 2014. A second tenancy agreement was signed for a tenancy starting May 1, 2014 and ending May 31, 2015.

The rent is \$800.00 per month. The landlord holds a \$400.00 security deposit.

The applicant Mr. A.T. is the son and representative of the landlord Mr. S. T. He testifies that the application and notice of hearing were served on the tenant by registered mail to the rental unit, in which the tenant continues to reside. Canada Post tracking records for the registered mail show that it went “unclaimed by recipient.”

The tenancy agreement indicates that at the end of the tenancy “the tenant must move out of the residential unit.”

Analysis

Sections 89 and 90 of the *Residential Tenancy Act* (the “Act”) provide that the application and notice of hearing may be served on a tenant by registered mail sent to the address at which the tenant resides and that such mail is deemed to have been received by the tenant five days later.

I find that the tenant was duly served with the application.

On the basis of the terms of the tenancy agreement I find that this tenancy ended on May 31, 2015. As the tenant no longer has a tenancy agreement he has no lawful right to continue to occupy or possess the premises. I grant the landlord an immediate order of possession.

There is no claim for recovery of any filing fee.

Conclusion

The landlord will have an order of possession.

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: July 17, 2015

Residential Tenancy Branch

