



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB

Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing *in person on June 5, 2015* in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began on July 1, 2014 for a fixed term to expire June 30, 2015. At the end of the fixed term the Tenant agreed to move out of the unit. The Parties initialled this section of the tenancy agreement. The Landlord provided a copy of the written tenancy agreement. The Landlord believes that the Tenant has moved out of the unit as of last week however no keys to the unit have been returned. The Landlord claims an order of possession.

Analysis

Section 55 of the Act provides that a landlord may seek an order of possession where 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 Landlord's undisputed evidence that the tenancy is a fixed term requiring the Tenant to move out of the unit on June 30, 2015 and that the Tenant has not returned the keys to the unit, I find that the Landlord is entitled 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: July 22, 2015

Residential Tenancy Branch

