



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OP FF

### Introduction

The landlord applies for an order of possession pursuant to the terms of a tenancy agreement.

Neither tenant attended for the hearing.

### Issue(s) to be Decided

Does the relevant evidence presented during the hearing show on a balance of probabilities that the tenants have been served? If so, is the landlord entitled to an order of possession?

### Background and Evidence

The rental unit is a three bedroom condominium apartment. The tenancy started in April 2014, for a fixed term of one and one half years at a monthly rent of \$1750.00. The landlord holds an \$880.00 security deposit.

The landlord testifies that she served each tenant with the application for dispute resolution and notice of hearing by registered mail to the rental unit address, where the tenants continue to reside.

Canada Post records confirm that each mailing was sent August 21, 2015 but have not yet been retrieved by either tenant.

The landlord refers to a written tenancy agreement containing a provision that the tenancy ends on the 31<sup>st</sup> day of the ninth month of the year 2015. The landlord testifies that the date is in error. The ninth month, September, contains only 30 days and the document was intending to denote the last month of September: the 30<sup>th</sup> day.

The provision, initialed by the landlord and the tenant R.C., states that the tenants must move out of the rental unit at that time.

### Analysis

In accordance with ss. 89 and 90 of the *Residential Tenancy Act*, the tenants are deemed to have received the mail five days after mailing. I find that the tenants have been duly served.

On the landlord's undisputed evidence I find that this tenancy ends on September 30, 2015 and that the tenants must move out then.

I grant the landlord an order of possession for one o'clock in the afternoon on that date.

As it is not apparent that the landlord will require the order of possession, I decline to grant the landlord recovery of the \$50.00 filing fee she paid to bring this application.

### Conclusion

The application is allowed, but for 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: September 15, 2015

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Residential Tenancy Branch

