



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding

WEST PARK ESTATES

DECISION

Dispute Codes OPE, O

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession to end the tenancy for end of employment, pursuant to section 55; and
- other remedies, identified as an order of possession for cause, pursuant to section 55.

The tenant did not attend the hearing, which lasted approximately 10 minutes. Agent SA ("landlord") from "Landlord Company VES" attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. "Landlord Company WPE" provided written authorization that Landlord Company VES had authority to represent Landlord Company WPE as an agent at this hearing.

The landlord testified that the tenant was served with the landlords' application for dispute resolution hearing package ("Application") on December 24, 2015, by way of registered mail. The landlords provided a Canada Post receipt and tracking number with their Application. The landlord testified that she checked the tracking number during the hearing and the tenant received and signed for the Application on January 15, 2016. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's Application on December 29, 2015, five days after its registered mailing.

Issues to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord testified that this tenancy began on May 1, 2014. Monthly rent in the amount of \$800.00 is payable on the first day of each month. The landlord testified that the tenant continues to reside in the rental unit.

The landlord testified that a “previous hearing” was held before a different Arbitrator on December 3, 2015, after which a “previous decision” was issued on the same date. The file number for the previous hearing appears on the front page of this decision. The landlords provided a copy of the previous decision with their Application. The previous decision dismissed the tenant’s application to cancel a 1 Month Notice to End Tenancy for Cause (“1 Month Notice”) and indicated that the tenancy ended on December 31, 2015. The landlord stated that the tenant has not vacated the rental unit and the landlords are seeking an order of possession on this basis.

Analysis

The landlords provided undisputed evidence, as the tenant did not attend the hearing. As per the previous decision made by a different Arbitrator on December 3, 2015, the landlord’s 1 Month Notice was upheld and the tenant’s application to cancel the notice was dismissed. Accordingly, this tenancy ended on December 31, 2015, as per the previous decision. In accordance with section 55 of the *Act*, the landlords have requested and are entitled to an order of possession against the tenant. As the tenant did not vacate the rental unit by December 31, 2015 as required, and the tenant continues to reside in the rental unit at this time, the landlords are entitled to a 2 day Order of Possession against the tenant. The landlord confirmed that the tenant has not paid rent for January or February 2016 for use and occupancy of the unit.

Conclusion

I allow the landlords’ Application for other remedies, identified as an order of possession for cause. I grant an Order of Possession to the landlords effective **two days after service of this Order** on the tenant. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I dismiss the landlords’ Application for an order of possession to end the tenancy for end of employment, as no evidence was provided by the landlords regarding this portion of the Application.

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 10, 2016

Residential Tenancy Branch

