



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'AKOLA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPB, OPC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the "Act"), for an order of possession and to recover the cost of the filing fee from the tenant.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served in person on February 5, 2016, which the tenant acknowledged by signing the proof of service document.

I find that the tenant has been duly served in accordance with the Act.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The parties entered in to a 3 month fixed term tenancy. The tenancy began on November 1, 2015, and was to expire on January 31, 2016. The tenancy agreement indicates at the end of the fixed length of time the tenancy ends and the tenant must move out of the residential unit.

The landlord's agent testified that the tenant has failed to vacate the rental unit as required by the tenancy agreement. The agent stated that the tenant has paid occupancy rent for March 2016, and are agreeable to extend the order of possession to March 31, 2016, at 1:00pm.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I have reviewed the tenancy agreement filed in evidence. The tenancy agreement is a fixed term and the tenant was required to vacated the rental unit on the date specified in the agreement, which was January 31, 2016. I find the tenant has breached the Act, and the tenancy agreement, by failing to vacated on the date specified.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **on March 31, 2016 at 1:00 pm**. A copy of this order must be served on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

I find that the landlord has established a total monetary claim of **\$100.00** to recover the filing fee paid by the landlord for this application.

Conclusion

The landlord is granted an order of possession and a monetary order as set out above.

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: March 17, 2016

Residential Tenancy Branch

