



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Affordable Housing Charitable Association
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPM, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail deemed delivered June 22, 2016 and also posted on the door of the rental unit on July 6, 2016, the tenant did not appear.

Issue(s) to be Decided

Should the landlord be granted an order of possession and, if so, on what terms?

Background and Evidence

This tenancy commenced February 1, 2014 as a five month fixed term tenancy. A month-to-month tenancy agreement was signed at the end of the fixed term. The tenant's rent was subsidized and her portion of the \$1900.00 monthly rent was \$680.00. The rent was due on the first day of the month. The tenant paid a security deposit of \$450.00.

On January 5, 2016, after a meeting between the landlord, the tenant, and the tenant's social worker the tenant gave the landlord written notice to end tenancy effective March 31, 2016.

On February 3, 2016 the tenant asked the landlord, in writing for an extension of her tenancy. On February 17 the landlord and the tenant met and the parties agreed to amend her notice to end tenancy by making the effective date April 30, 2016.

The tenant did not move out on April 30. The landlord accepted the April, May and June rent for use and occupation only. However, on June 6 the landlord advised the tenant that she had to vacate the rental unit by July 31, 2016. On June 15 the landlord filed this application for dispute resolution.

The tenant paid the July rent which was accepted for use and occupation only.

The tenant has not filed any application for dispute resolution nor did she file any evidence at this hearing.

Analysis

Section 55(2)(a) of the *Residential Tenancy Act* allows a landlord to apply for an order of possession when a notice to end tenancy has been given by the tenant. The landlord is entitled to an order of possession. As the rent has been paid for July the effective date of the notice is July 31, 2016.

Conclusion

An order of possession effective **1:00 pm, July 31, 2016** has been granted to the landlord.

As the landlord was successful on its' application it is entitled to reimbursement from the tenant of the \$100.00 fee it paid to file it. Pursuant to section 72(1), that amount may be deducted from the security deposit held by the landlord.

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 26, 2016

Residential Tenancy Branch