



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPB, FF, O

### Introduction

The hearing was convened in response to an Application for Dispute Resolution filed by the Landlord in which the Landlord applied for an Order of Possession, to recover the fee for filing this Application for Dispute Resolution, and for “other”.

The Agent for the Landlord stated that on October 07, 2016 the Application for Dispute Resolution, the Notice of Hearing, and five pages of evidence submitted with the Application were served to the Tenant, via registered mail. The Agent for the Landlord cited a Canada Post tracking number that corroborates this testimony. On the basis of the undisputed evidence I find that the Tenant was served with these documents in accordance with section 89 of the *Residential Tenancy Act (Act)* and the hearing proceeded in the absence of the Tenant.

### Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession?

### Background and Evidence

The Agent for the Landlord stated that:

- this tenancy began on April 01, 2016;
- the Tenant signed a fixed term tenancy agreement;
- the fixed term of the tenancy ended on September 30, 2016;
- the tenancy agreement required the Tenant to vacate the rental unit at the end of the fixed term of the tenancy agreement;
- the parties did not agree to continue the tenancy
- no rent has been paid for November of 2016; and
- the rental unit has not been vacated.

### Analysis

On the basis of the undisputed evidence I find that the Tenant entered into a tenancy agreement that required her to vacate the rental unit by September 30, 2016. As the rental unit has not been vacated, I find that the Landlord is entitled to an Order of Possession pursuant to section 55(2)(c) of the *Act*.

I find that the Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application.

### Conclusion

I grant the Landlord an Order of Possession that is two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim of \$100.00 in compensation for the fee paid to file this Application for Dispute Resolution and I grant a monetary Order in that amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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: November 28, 2016

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Residential Tenancy Branch