



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOMELIFE PENINSULA PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPB, FF

Introduction

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

- an Order of Possession pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, which lasted approximately 10 minutes. The corporate landlord was represented by its agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated July 14, 2017 was served on the tenants by registered mail sent on July 25, 2017. The landlord provided two Canada Post tracking numbers as evidence of service. Pursuant to sections 88, 89 and 90 of the *Act*, I find that the tenants were deemed served on July 30, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee from the tenants?

Background and Evidence

The landlord provided undisputed evidence regarding the following facts. This fixed term tenancy began on September 1, 2016 and is scheduled to end on August 31, 2017. The monthly rent is \$2,995.00. A security deposit of \$1,497.50 was paid at the start of the tenancy and is still held by the landlord.

The landlord submitted a copy of the tenancy agreement into written evidence. The agreement is signed by the parties. The agreement provides that the tenancy ends on 1pm of August 31,

2017 and the tenants will vacate the rental unit by that time. The clause is initialed by the parties.

Analysis

Section 55(2)(c) provides that a landlord may request an order of possession if the tenancy agreement is for a fixed term which provides that the tenant will vacate the rental unit at the end of the fixed term.

I accept the undisputed evidence of the landlord that this tenancy ends on August 31, 2017. I accept the landlord's evidence that the tenancy agreement provides that the tenant must vacate the rental unit at the end of the tenancy term. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 and issue an order enforceable August 31, 2017.

As the landlord's application was successful I find the landlord is entitled to recover the \$100.00 filing fee for this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain \$100.00 of the tenants' \$1497.50 security deposit in satisfaction of the monetary award issued in the landlord's favour. The security deposit is reduced by that much and the balance is \$1,397.50.

Conclusion

I issue an Order of Possession enforceable on 1pm, August 31, 2017. Should the tenants 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.

The security deposit for this tenancy is reduced by \$100.00 to \$1,397.50.

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: August 14, 2017