



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O (OP), 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;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. Both parties confirmed that the landlord served the tenant with the notice of hearing package on June 14, 2017 by posting it to the rental unit door. Both parties also confirmed that the landlord served the tenant with the submitted documentary evidence in the same package. The tenant did not submit any documentary evidence. Neither party raised any service issues. I accept the undisputed affirmed evidence of both parties and find that the tenant has been properly served as per sections 88 and 89 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to recovery of the filing fee?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

This tenancy began on January 1, 2017 on a fixed term tenancy ending on June 30, 2017 as shown by the submitted copy of the signed tenancy agreement dated January 1, 2017. The monthly rent is \$800.00 payable on the 1st day of each month. A security deposit of \$400.00 and a pet damage deposit of \$400.00 were paid on January 3, 2017.

The landlord seeks an order of possession as the tenancy is for a fixed term of 6 months ending on June 30, 2017, however, the tenant did not move out of the rental premises on June 30, 2017.

The tenant claims that due to personal, financial and medical issues she is unable to vacate the rental premises.

Analysis

Pursuant to section 55 of the Act, a landlord may request an order of possession of a rental unit if the tenancy agreement is a fixed term tenancy that provides that the tenant will vacate the rental unit at the end of the fixed term.

In this case, I accept the undisputed affirmed evidence of both parties that there is a fixed term tenancy ending on June 30, 2017 as agreed upon by both parties. As such, I find that the landlord is entitled to an order of possession. As the fixed term ending of June 30, 2017 has now passed, I grant the landlord an order of possession to be effective 2 days after being served upon the tenant.

The landlord having been successful is entitled to recovery of the \$100.00 filing fee.

Conclusion

The landlord is granted an order of possession.

The landlord is granted a monetary order for \$100.00.

These orders must be served upon the tenant. Should the tenant fail to comply with the orders, the orders may be filed in the Supreme Court of British Columbia and the Small Claims Division of the Provincial Court of British Columbia and enforced as an order of those courts.

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 15, 2017

Residential Tenancy Branch