



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes O

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession effective April 16th, 2011.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenants by way of registered mail sent on March 31st, 2011. The landlord testified that the tenants wrote him a letter dated April 5th, 2011, wherein they acknowledged receipt of the notice of dispute resolution, and stated that they would be out of the rental unit by 1 p.m. on Monday, April 18th, 2011. The tenants did not participate and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The rental unit consists of the lower unit of a duplex. In his documentary evidence, the landlord provided a copy of a signed tenancy agreement, indicating in part that the fixed term tenancy started on July 1st, 2010, ended March 31st, 2011, and that the rent was \$550.00 payable on the first of each month.

The landlord testified that he has not been successful in contacting the tenants to confirm whether they had moved as stated in their letter. The landlord requested an order of possession in the unlikelihood that the tenants did not move out.

Analysis

I accept the landlord's undisputed testimony that he served the tenants with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenants knew, or ought to have had knowledge of the date scheduled for this hearing.

Based on the available evidence, I am satisfied that the text of the agreement clearly states that the tenancy ended March 31st, 2011, and that it was signed by both the landlord and the tenants. Accordingly the landlord is entitled to an order of possession

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

If necessary, This Order may be filed in the Supreme Court of British Columbia 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: April 19, 2011.

Residential Tenancy Branch