



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, O, FF

Introduction

This hearing dealt with an application by the tenant for an order of possession for the rental unit, other and recovery the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

This fixed term tenancy began May 1, 2011 with monthly rent of \$630.00 and the tenant paid a security deposit of \$315.00. This tenancy has an end date of August 31, 2011 and both the landlord and tenant have initialled by 2(b)(ii) on the tenancy agreement that the tenancy will end on this date.

The tenant testified that she still had possession of the rental unit but that she had not paid the September 2011 rent as she was coming to arbitration. The tenant stated that she intended on vacating the rental unit this coming weekend of October 1, 2011. The tenant stated that the landlord had given her a notice to vacate due late payment of rent and the tenant questioned why anyone would sign a tenancy agreement for only 4 months duration.

The tenant in this application is seeking an order of possession for the rental unit however as the tenant has possession of the rental unit this portion of the application is dismissed.

The tenant stated that the Service BC office staff had checked off the 'other' box on her application and she did not have any additional issues related to this tenancy to discuss, therefore this portion of the tenant's application is dismissed.

The landlord per section 55 of the Residential Tenancy Act verbally requested an order of possession for the rental unit with an effective tenancy end date of October 31, 2011.

Analysis

Based on the documentary evidence and testimony I find on a balance of probabilities that the tenant has not met the burden of proving that they have grounds for entitlement to an order of possession for the rental unit as the tenant remains in possession of the rental unit.

The tenant's application is dismissed in its entirety.

As the tenant has not been successful in their application the tenant is not entitled to recovery of the \$50.00 filing fee.

The landlord per section 55 of the Act has been granted an order of possession for the rental unit with an order of possession date of October 31, 2011.

Conclusion

The tenant's application is dismissed in its entirety.

I hereby grant the landlord an **Order of Possession** effective not later than **1:00 PM, October 31, 2011**. This Order must be served on the tenant and 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: September 28, 2011.

Residential Tenancy Branch