

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *OPC, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to the filing fee?

Background and Evidence

The tenancy started on December 01, 2007 for a fixed term of 19 months ending on June 30, 2009. The monthly rent is \$1,000.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement which confirms that the tenant signed the agreement and initialled the clause that states that tenant must move out of the residential unit, at the end of the fixed term. The landlord is applying for an order of possession as the tenancy has ended but the tenant continues to occupy the rental unit.

The tenant argued that there are other contracts entered into by both parties with regard to the rental unit which are currently under dispute and therefore the tenant would like to extend the term of the tenancy until those issues are resolved.

Analysis

Section 44 (1) (b) of the *Residential Tenancy Act* states that a tenancy ends if the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit on the date specified as the end of the tenancy.

Based on the signed tenancy agreement, I find that the tenancy ended on June 30, 2009 and that the tenant should have moved out by that date. Therefore the landlord is entitled to an order of possession and pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

The landlord has proven his case and is therefore entitled to \$50.00 for the filing fee. I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$50.00**.

Dated August 19, 2009.

Dispute Resolution Officer