



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes O, (OPB), FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

The Landlord said she served the Tenants with the Application and Notice of Hearing by registered mail on December 8, 2009. According to the Canada Post online tracking system, the Tenants received the hearing packages on December 27, 2009. I find that the Tenants were served as required by s. 89 of the Act and the hearing proceeded in their absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This fixed term tenancy started on March 1, 2009 and expires on February 28, 2010. The Parties' written tenancy agreement contains a term that at the end of the fixed term tenancy, the tenancy will end and the Tenants must move out of the rental unit. The Landlord said that the Tenants told her son that "they would think about moving out" at the end of the fixed term and therefore she has concerns that they may not move out.

Analysis

I find that the Parties' tenancy agreement is a fixed term tenancy agreement that provides that the Tenants will vacate the rental unit at the end of the fixed term and as a result, I further find that the Landlord is entitled pursuant to s. 55(2)(c) of the Act to an Order of Possession to take effect on February 28, 2010 at 1:00 p.m.

As the Landlord has been successful in this matter I find that she is also entitled to recover the \$50.00 filing fee for this proceeding from the Tenants and pursuant to s. 72 of the Act, I order that she may deduct that amount from the Tenants' security deposit.



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Conclusion

An Order of Possession to take effect on February 28, 2010 has been issued to the Landlord. A copy of the Order must be served on the Tenants and may be enforced in the Supreme Court of British Columbia.

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: January 18, 2010.

Dispute Resolution Officer