



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Code

OLC

The tenants have applied requesting an Order that the landlord comply with the Act.

The parties confirmed that on August 29, 2010, they signed a fixed-term tenancy agreement that ends on October 1, 2012; at which point the tenants must vacate the rental unit. A copy of the tenancy agreement was submitted as evidence.

The landlord wants the tenants to sign a mutual agreement ending the tenancy early as the landlord wishes to possess the unit for her own use. The tenants do not wish to end the tenancy.

Section 45 of the Act prohibits a tenant from giving Notice ending a fixed term tenancy prior to the effective end date of the term; in this case, October 1, 2012.

The landlord may only end a fixed term tenancy via a 1 Month Notice Ending Tenancy for Cause or a 10 Day Notice Ending Tenancy for Unpaid Rent; neither of which is the case in this situation. The parties may enter into a written agreement ending the tenancy; but this is voluntary on the part of the tenants.

I find and Order, pursuant to section 62(3) that this tenancy shall continue until the end of the fixed term; October 1, 2012, unless it is ended as provided by the Act; or written mutual agreement.

Dated: March 17, 2011.

Residential Tenancy Branch