



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      O, (OLC)

### Introduction

This matter dealt with an application by the Tenant for an Order that the Landlord comply with the Act or tenancy agreement by extending the term of a tenancy.

The Tenant said he delivered a copy of his Application and Notice of Hearing (the "hearing package") in person to the Landlord's place of business on May 30, 2011. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant's hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlord's absence.

### Issue(s) to be Decided

1. Is the Landlord in breach of the Act or a tenancy agreement?

### Background and Evidence

The Parties signed a tenancy agreement on May 2, 2011 for a 30 day fixed term ending on June 1, 2011 at which time the Tenant was supposed to vacate. The Tenant said he gave the Landlord a rent payment of \$425.00 for June 2011 on May 20, 2011, however on May 25, 2011 the Landlord gave him a letter advising the Tenant that his tenancy would end on June 1, 2011. The Tenant said his rent payment for June 2011 was not returned to him and the Landlord did not give him a Notice to end the tenancy.

The Tenant said the Landlord has entered into 3 month fixed term tenancy agreement with other residents of the rental property and he sought an Order requiring the Landlord to enter into one with him.

### Analysis

In the absence of any evidence from the Landlord to the contrary, I find that the Parties had a 30 day fixed term tenancy that ended on June 1, 2011. I find that there is no authority under the Act or tenancy agreement to order the Landlord to enter into another

fixed term tenancy with the Tenant. However, I find that in accepting a rent payment for June 2011, the Landlord reinstated this tenancy as a month-to-month tenancy which can only be terminated for one of the reasons set out under s. 44 of the Act.

### Conclusion

The Tenant's application is granted in part. 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: June 20, 2011.

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Residential Tenancy Branch