

## **DECISION**

Dispute Codes      OPR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on or about April 1, 2011 and is set to expire August 31, 2011. Rent in the amount of \$865.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$450.00.

The landlord testified that the tenant has been late in paying rent and that the tenant's step father has caused problems in the building. The landlord does not wish to have the tenant live in the building any longer and seeks to end the tenancy on the date agreed upon in the tenancy agreement.

The tenant testified that she wants to remain in the building and to have the tenancy carry on in a month to month basis.

### Analysis

The tenant provided no documentary evidence, the landlord did. The tenancy agreement submitted by the landlord states that the tenancy is to "end on August 31,

2011. At the end of this fixed length of time, the tenancy may continue on a month-to-month basis”.

In the Residential Tenancy Policy Guideline Section 30 of Fixed Term Tenancy Agreement it states; The agreement must state the date the tenancy ends, and whether the tenancy may continue as a periodic tenancy or for another fixed term after that date or whether the tenant must vacate the rental unit on that date. If the parties do not agree that the tenant must vacate the rental unit at the end of the fixed term, and if the parties do not enter into a new tenancy agreement, the tenancy continues as a month to month tenancy”.

Although the landlord referred to late payment of rent and issues with the tenant’s step father, the landlord was unable to provide any evidence to support this. Based on the landlords own evidence, the tenancy is to continue on a month to month basis.

The landlord has not been successful in their application.

### Conclusion

The landlords’ application is dismissed.

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: August 26, 2011.

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Residential Tenancy Branch

