



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB

Introduction

This matter dealt with an application by the Landlord for an Order of Possession. The Landlord's agent said he served the Tenant with the Application and Notice of Hearing on November 8, 2011 by posting them to the rental unit door. I find that the Tenant was served with the Landlord's hearing package as required by s. 89(2) of the Act.

Issue(s) to be Decided

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

Background and Evidence

This fixed term tenancy started on April 21, 2011 and expired on October 31, 2011. The Parties' tenancy agreement contains the following clause:

"At the end of this fixed period the tenancy may continue for another fixed length of time if a new tenancy agreement is signed and acceptable by both parties 45 days prior to the end of this tenancy, otherwise the tenancy ends at the end of the fixed term and the tenant will be required to vacate the unit before 1:00 p.m. on the last day of the fixed term tenancy.

The Landlord's agent said the Tenant did not enter into a new tenancy agreement and advised him on September 1, 2011 that he would move out by October 31, 2011. Tenant's advocate said the Tenant does not dispute that he was required to move out on October 31, 2011 under the terms of the tenancy agreement.

Analysis

In the absence of any evidence to the contrary, I find that there was an agreement that the tenancy would end on October 31, 2011 and that the Tenant would have to move out on that day if a new tenancy agreement was not entered into to. I also find that the Parties did not enter into a new tenancy agreement. Consequently, I find pursuant to s. 55(2)(d) of the Act that the Landlord is entitled to an Order of Possession to take effect 2 days after service of it on the Tenant.

Conclusion

An Order of Possession to take effect 2 days after service of it on the Tenant has been issued to the Landlord. A copy of the Order must be served on the Tenant 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: November 23, 2011.

Residential Tenancy Branch