



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on December 2, 2011, a Canada post tracking number was provided as evidence of service, the tenant did not appear. I find the tenant has been duly served in accordance with the Act.

The landlord's agent appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form and make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an order of possession of the rental unit based on a fixed term tenancy agreement?

Background and Evidence

The parties entered into a six month fixed term tenancy agreement that began on March 1, 2011 and the tenant was to vacate the rental unit on August 31, 2011. Rent in the amount of \$475.00 was payable on the first of each month. No security deposit was paid by the tenant.

The landlord's agent testified the tenant was unable to find new rental accommodation at the end of the original fixed term tenancy agreement and to allow the tenant more time to find a new rental accommodation they agreed to enter into a new two month fixed term tenancy agreement on September 1, 2011, and the tenant was to vacate the rental unit by November 30, 2011.

The landlord's agent further testified the tenant is refusing to vacate of the rental unit and he is seeking an order of possession.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenant signed a fixed term tenancy agreement on September 1, 2011, that provides that the tenant will vacate the rental unit on November 30, 2011. The landlord has not agreed to enter into a new tenancy agreement with the tenant and the tenant has failed to vacate the rental unit.

Therefore under section 55(2)(c) of the Act, I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord has been successful with their application, I grant a monetary order in the amount of \$50.00 for the fee paid by the landlord for this application.

Conclusion

The tenant failed to vacate the rental unit at the end of the fixed term agreement.

The landlord is granted an order of possession, and I grant a monetary order.

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: December 14, 2011.

Residential Tenancy Branch