



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPB

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord only, the tenant did not attend.

The landlord provided documentary evidence that he served the tenant with the notice of hearing documents and his Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on February 9, 2010<sup>2</sup> in accordance with Section 89. The landlord has provided additional documentation, in the form of a Canada Post print out confirming the tenant signed for and received the registered mail.

Based on the evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession, pursuant to Section 55 of the *Act*.

### Background and Evidence

The landlord provided a copy of a tenancy agreement signed by the parties on December 14, 2011 for a 2 month 15 day fixed term tenancy beginning on December 16, 2011 for unit #4 for a monthly rent of \$595.00 due on the 1<sup>st</sup> of each month with a security deposit of \$297.50 paid.

The tenancy agreement stipulated that at the end of the fixed term the tenant must move out of the residential unit. The landlord testified that as a result of a flood in unit #4 the tenant moved to unit #1 of the residential property on February 10, 2012.

### Analysis

As the tenant moved locations within the residential property because of a flood, I find that that the fixed term tenancy agreement signed by the parties for unit #4 have transferred to unit #1.

Section 44 of the *Act* stipulates that among other things, a tenancy may end if the tenancy agreement is for a fixed term tenancy that provides that the tenant will vacate the rental unit on the date specified as the end of the tenancy.

From the testimony and evidence before I find the tenancy is set to end on March 1, 2012.

Section 55 states a landlord may request an order of possession if the tenancy agreement is for a fixed term tenancy that provides that the tenant will vacate the rental unit on the date specified as the end of the tenancy.

### Conclusion

I find the landlord is entitled to an order of possession effective **March 1, 2012 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: February 27, 2012.

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Residential Tenancy Branch