



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail on December 28, 2012; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an order based on a fixed term tenancy agreement.

Background and Evidence

The applicant testified that:

- The tenant signed a fixed term tenancy agreement that began on January 31, 2012 and ended on January 31, 2013.
- The tenant also agreed that at the end of the fixed term the tenancy ends and the tenants must move out of the rental unit.
- When he spoke to the tenant in December 2012 the tenant informed him that he did not believe he could move out by January 31, 2013.
- After much begging by the tenant he eventually agreed to a one-month extension with a fixed term tenancy for the month of February 2013, this also requires that the tenant vacate the rental unit at the end of that term.
- He is concerned that the tenant may not vacate the rental unit and therefore is requesting an order of possession for February 28, 2013.

Analysis

Is my finding that the original tenancy did end on January 31, 2012, and at that time the tenant was supposed to move out of the rental unit, however it's also my finding that the landlord has signed a subsequent one-month fixed term tenancy agreement ending on February 28, 2013 that also requires that the tenant vacate at the end of the term.

Therefore is my finding that this tenancy will end on February 28, 2013 and I therefore allow the landlord's request for an order of possession for that date.

Conclusion

I've issued an order of possession for 1:00 PM on February 20, 2013.

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: January 25, 2013

Residential Tenancy Branch

