



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPB

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession pursuant to Section 55(2)(c) of the *Residential Tenancy Act* (the Act). The hearing was conducted by conference call.

Both parties participated in the hearing with their submissions, document evidence and testimony during the hearing. The parties were also provided opportunity to discuss their dispute with a view to resolving the dispute. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The tenant confirmed they still reside in the rental unit. Both parties acknowledged receiving the evidence of the other. In part, both parties provided a signed copy of the most current tenancy agreement.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

It is undisputed that the tenancy began on September 01, 2012 as a fixed term tenancy for 6 months ending February 28, 2013. The hearing had benefit of a copy of the agreement. The tenancy agreement prescribes that the tenant will vacate the rental unit at the end of the fixed length of time of the agreement, and the parties completed this section of the tenancy agreement - each confirming this term of the agreement by their respective initials beside this election to end the fixed agreement, and for the tenant to vacate at the end of it. It is further undisputed that the tenant elected to not accept a new agreement. Therefore, the landlord seeks an Order of Possession claiming the tenancy has ended as per the tenancy agreement ending February 28, 2013.

## **Analysis**

Section 55 of the Act, in part, provides that; **(for ease)**

**55** (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

- (a) a notice to end the tenancy has been given by the tenant;
- (b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;
- (c) **the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit at the end of the fixed term;**

I find the tenancy has ended in accordance with the terms of the tenancy agreement in this matter. As the tenancy ended February 28, 2013, I find that the landlord is entitled to an **Order of Possession** effective forthwith.

## **Conclusion**

**I grant** an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**This Decision is final and binding on both parties.**

*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: March 28, 2013

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Residential Tenancy Branch