



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Affordable Housing Charitable Association
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

This hearing was convened by way of conference call in response to the landlord's application for other issues concerning an Order of Possession because the fixed term tenancy ends.

The tenant, the tenant's case worker, and the landlord's agents attended the conference call hearing and gave sworn testimony. The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy started on November 01, 2012 for a fixed term of five months. The tenancy is due to end on March 31, 2013. The landlord has provided a copy of the tenancy agreement signed by the parties which also shows that the parties have indicated on the agreement that at the end of the fixed term the tenancy will end and the tenant must move out of the rental unit.

The landlord's agent testifies that they have written to the tenant to inform the tenant that the landlord will not be extending the tenancy beyond the fixed term as agreed. The landlord's agent testifies that the rental unit has been re-rented to a new tenant effective May 01, 2013. The landlord's agent expressed a willingness to extend the date the tenant must vacate the rental unit to April 15, 2013 to give the tenant more time to find alternative housing. The landlord's agent states the tenant must move out by this date so the rental unit can be prepared for the new tenant.

The tenant testifies that he has been trying to find alternative housing and is being assisted by the tenant's community case worker and the MLA office. The tenant states that he is grateful for the extra time and states he will move from the rental unit on April 15, 2013.

The landlord's agent therefore requests an Order of Possession with an effective date of April 15, 2013.

Analysis

Section 44(b) of the Residential Tenancy Act states: that a tenancy will end if the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit on the date specified as the end of the tenancy.

As the tenancy agreement does state that the tenancy must end on March 31, 2013, I find the landlord is entitled to an Order of Possession. As the landlord has extended the effective date that the tenant is required to move out I have issued an Order of Possession to the landlord with an effective date of April 15, 2013.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective on April 15, 2013. This order must be served on the Respondent and may be filed in the Supreme Court and 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: March 21, 2013

Residential Tenancy Branch

