



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB, O

### Introduction

This hearing dealt with a landlord's request for an Order of Possession based upon a fixed term set to expire June 30, 2013. The tenant did not appear at the hearing. The landlord testified that the hearing documents were sent to the tenant via registered mail at the rental unit and left in the mail box at the rental unit. The landlord was requested to provide a copy of the registered mail receipt as proof of service. The landlord provided the requested documentation shortly after the teleconference call ended and it showed the registered mail was sent to the tenant at the rental unit on June 4, 2013. Based upon the evidence before me, I am satisfied the tenant has been sufficiently served with notice of this proceeding, in a manner that complies with the Act, and I proceed to consider the landlord's entitlement to an order of Possession.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession based upon a fixed term tenancy set to expire June 30, 2013?

### Background and Evidence

The landlord and tenant executed a written tenancy agreement on April 19, 2013. The tenancy agreement indicates the tenancy was to commence May 1, 2013 for a fixed length of time of two months ending on June 30, 2013. The tenancy agreement indicates that at the end of the fixed term the tenancy ends and the tenant must move out of the rental unit. Both parties initialled in the space provided next to this term.

The landlord testified that it is paramount that he regain possession of the rental unit as set out in the tenancy agreement as new tenants are set to move into the rental unit shortly after the tenancy ends. Although the landlord is confident the tenant will vacate the unit as required, obtaining an Order of Possession will provide added assurance.

### Analysis

Section 55 of the Act provides for circumstances when a landlord may apply for an Order of Possession. In part, section 55(2) provides:

(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:

(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;

Upon review of the tenancy agreement I am satisfied the parties entered into a tenancy agreement for a fixed term set to expire June 30, 2013 and that the tenant is required to vacate the rental unit at the end of the fixed term under the terms of tenancy.

Therefore, under section 55(2) of the Act, I grant the landlord's request for an Order of Possession effective June 30, 2013.

### Conclusion

The landlord has been provided Order of Possession effective June 30, 2013 to serve and enforce as necessary.

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: June 20, 2013

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Residential Tenancy Branch

