



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, FF

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession.

I accept that the tenant was properly served with the Application for Dispute resolution hearing package by way of registered mail.

Issues to Be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The parties entered into a fixed term tenancy agreement to begin August 1, 2013 and end October 31, 2011. The agreement specified that at the end of the fixed term, the tenant must move out of the rental unit, and the tenant and landlord specifically initialed this clause of the agreement. The tenant refused to vacate after the end of the specified term. Since this hearing occurred in November, the landlord permitted the tenant to remain and accepted rent for an additional month, on a use and occupation basis.

Analysis

By virtue of section 44 (b) of the Residential Tenancy Act, this tenancy has ended, as the fixed term tenancy agreement clearly requires the tenant to leave at the end of the fixed term. The landlord has established a right to possession at the end of the use and occupation period, on November 30, 2013.

Conclusion

Pursuant to Section 55(2)(c) of the Residential Tenancy Act, I issue an Order of Possession effective November 30, 2013. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The tenant is also ordered to pay the landlord \$50.00, representing recovery of the landlord's filing fee.

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: November 14, 2013

Residential Tenancy Branch