



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY (1974)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: O

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for “other” and explained that he was seeking an order of possession as the fixed term tenancy had ended. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Did the parties enter into a fixed term tenancy that required the tenant to move out at the end of the fixed term?

Background and Evidence

The tenancy started on July 01, 2013 for a fixed term of five months. A copy of the tenancy agreement was filed into evidence.

On this tenancy agreement the box (2b) was checked off stating that the tenancy is for a fixed length of time of five months ending on November 30, 2013. The landlord also checked off box 2b(2) which states that the tenancy ends at the end of the fixed term and the tenant must move out. The box by the side of this term was initialled by the landlord and the tenant.

The tenant agreed that she had initialled the term that states that on November 30, 2013, the tenancy ends and the tenant must move out of the residential unit.

Analysis

Section 44 (1) (b) of the *Residential Tenancy Act* states that a tenancy ends 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.

Based on the signed tenancy agreement and the testimony of both parties, I find that the tenancy was a fixed term tenancy which ended on November 30, 2013. I further find that the tenant should have moved out by that date.

Therefore the landlord is entitled to an order of possession. Pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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 21, 2014

Residential Tenancy Branch

