



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING NON PROFIT RENTAL ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: 0

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession.

The notice of hearing was served on the tenant in person on January 10, 2014. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was 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 September 01, 2013 for a fixed term of five months. A copy of the tenancy agreement was filed into evidence. On that agreement the tenant initialled the term that states that on January 31, 2014, the tenancy ends and the tenant must move out of the residential unit.

Prior to filing this application, the landlord reminded the tenant that the tenancy was due to end on January 31, 2014 and informed the tenant that the landlord would not be entering into another tenancy agreement. The landlord also advised the tenant that the tenancy would be allowed to continue until February 28, 2014 and that rent for February would be accepted for use and occupancy only.

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, I find that the tenancy was a fixed term tenancy which ended on January 31, 2014. I further find that the tenant should have moved out by that date.

Therefore the landlord is entitled to an order of possession. The landlord agreed to allow the tenant to occupy the unit until February 28, 2014. Pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 p.m. on February 28, 2014. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p.m. on February 28, 2014.**

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: February 20, 2014

Residential Tenancy Branch

