



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF

Introduction

This hearing dealt with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlords applied for an order of possession for the rental unit due to a potential breach by the tenants of an agreement with the landlord and for recovery of the filing fee.

The landlord listed above attended the teleconference; the tenants did not attend.

The landlord testified that the tenants were served with their Application for Dispute Resolution package and Notice of Hearing by leaving 2 copies of the documents with tenant DJ on March 15, 2014.

Based upon the submissions of the landlord, I find the tenants were served notice of this hearing in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit?

Background and Evidence

The landlord submitted a written tenancy agreement which shows that this particular tenancy began on November 1, 2013, for a fixed term to end on April 30, 2014, with monthly rent of \$1800.

The landlord testified that the parties had entered into a series of fixed term tenancy agreements earlier; however, this tenancy agreement signed by all parties on October 27, 2013, shows that the tenancy ended on April 30, 2014, and that the tenants were to vacate the rental unit by that date, as per their initials in the boxes in that provision of the tenancy agreement. There was no provision that the tenancy was to continue on a month to month basis thereafter.

The landlord submitted evidence that there was some indication that the tenants were packing to move; however, the landlord stated she was not sure if they had vacated fully.

Analysis

Section 44 of the Act states the ways a tenancy ends, with subsection (1)(b) providing that one way a tenancy ends is when 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. Section 55 (2)(b) of the Act states that a landlord is entitled to an order of possession for the rental unit under these circumstances.

In the case before me, I find the landlords submitted sufficient evidence that the parties agreed that the tenancy would end at the conclusion of the fixed term, in this case, April 30, 2014, and therefore the landlord is entitled to request and receive an order of possession for the rental unit.

I therefore grant the landlord an order of possession for the rental unit effective 2 days after service upon the tenants and have enclosed it with the landlords' Decision.

Should the tenants fail to vacate the rental unit pursuant to the terms of the order or their tenancy agreement, this order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are subject to recovery from the tenants.

Conclusion

The landlords' application is successful as I have granted them an order of possession for the rental unit, effective 2 days after service upon the tenants.

I have not awarded the landlords recovery of the filing fee as I find it was not necessary to file for dispute resolution at the time they did so, March 13, 2014, as the tenancy had not concluded at that time.

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* and is being mailed to both the applicant and the respondent.

Dated: May 1, 2014

Residential Tenancy Branch

