



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Affordable Housing Advisory Association  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to section 55 of the *Residential Tenancy Act* (the “Act”) for an order of possession.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy agreement started on July 1, 2014 on a fixed term to expire November 30, 2014. Nothing in the tenancy agreement indicates that at the end of the fixed term the Tenant must move out of the unit. The Landlord informed the Tenant by a letter dated October 6, 2014 that they would not be extending or renewing the tenancy agreement at the end of the term. The Landlord claims an order of possession.

### Analysis

Section 55 of the Act provides that a landlord may obtain an order of possession, inter alia, where 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. As the tenancy

agreement does not require the Tenant to vacate at the end of the fixed term, I find that the Landlord is not entitled to an order of possession.

Conclusion

The Landlord's application is dismissed.

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 24, 2014

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Residential Tenancy Branch

