



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards  
A matter regarding MCLAREN HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for an order of possession on the basis that the fixed term tenancy has ended pursuant to section 55.

The tenant did not attend this hearing, although I waited until 1119 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord's agents attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord's agent testified that she served the tenant with the dispute resolution package, including all evidence before me, on 7 November 2014 at 1224 by posting it on the tenant's door. This posting was witnessed by the landlord's resident support worker, TP. On the basis of this evidence, I am satisfied that the tenant was deemed served with notice of this application pursuant to sections 89(2) and 90 of the Act on 10 November 2014, three days after its positing.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession because the tenancy is a fixed term tenancy that has concluded?

### Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the landlord's agents, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the landlord's claim and my findings around it are set out below.

The tenant and landlord entered into a tenancy agreement on 1 February 2014. Monthly rent of \$984.00 was due on the first. The tenancy was for a five-month term from 1 February 2014 to 30 June 2014. The agreement included the following fixed-term clause:

*At this time the agreement is terminated and it is understood that the tenant(s) has no legal right to occupy the suite beyond that date.*

*MHS will consider a renewal of this agreement and notify the resident in writing prior to the expiry date above as to whether they will be offered a new tenancy agreement when the current one expires.*

At a later date the tenant was provided with a renewal for another five-month term. This addendum was for a fixed-term from 1 July 2014 to 30 November 2014. The addendum included identical wording to the clause set out above.

On 24 October 2014, the landlord sent a letter to the tenant advising him that his fixed-term tenancy would not be renewed. This letter was hand delivered to the tenant.

### Analysis

Paragraph 44(1)(b) of the Act provides 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...

A landlord has a right to the possession of a rental unit where the tenancy has ended. From the uncontested and solemnly affirmed evidence of the landlord's agents and the tenancy agreement, it is clear that the tenant and landlord had entered into the type of agreement contemplated in paragraph 44(1)(b) of the Act as the tenant agreed that he would have no legal right to occupy the rental unit beyond the expiration date of this tenancy. I find that the tenancy under this agreement ended 30 November 2014.

As 30 November 2014 has passed, the landlord is entitled to an order of possession valid two days from its service on the tenant.

### Conclusion

The landlord's application is granted.

I grant an order of possession to the landlord effective **two days after service of this order** on the tenant(s). Should the tenant(s) fail to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: December 03, 2014

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Residential Tenancy Branch