



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPB

Introduction

This hearing concerns the landlord's application for an order of possession. The landlord attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that on March 13, 2015 the application for dispute resolution and the notice of hearing (the "hearing package") was personally served on the tenant. Based on the affirmed / undisputed testimony of the landlord, I find that the tenant has been served in accordance with sections 89 and 90 of the Act which speak, respectively, to **Special rules for certain documents** and **When documents are considered to have been received**.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the fixed term of tenancy is from August 01, 2014 to March 01, 2015. Monthly rent of \$1,250.00 is due and payable in advance on the first day of each month.

In section 2 of the tenancy agreement which speaks to "Length of Tenancy," by way of a ticked box and initials placed in other adjacent boxes by both parties, the parties agreed as follows:

At the end of this fixed length of time:

- ii) the tenancy ends and the tenant must move out of the residential unit.

Despite the aforementioned provision, the tenant still continues to reside in the unit, and the landlord therefore seeks an order of possession on the basis of the tenant's breach of the tenancy agreement.

Analysis

Section 55 of the Act addresses **Order of possession for the landlord**, in part:

55(2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(c) 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;

Based on the documentary evidence, the affirmed / undisputed testimony of the landlord, and in consideration of the relevant legislation, I find that the tenant has failed to vacate the unit on the date specified in the tenancy agreement as the end of the fixed term. Accordingly, I therefore find that the landlord has established entitlement to an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: April 20, 2015

Residential Tenancy Branch

