



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPB, O

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession based on the end of a fixed-term tenancy agreement. There were no other matters included for consideration in the application.

The agent for the landlord provided affirmed testimony that on May 27, 2015 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail to the address noted on the application. A Canada Post tracking number and receipt was provided as evidence of service.

These documents are deemed to have been served effective June 1, 2015 in accordance with section 89 and 90 of the Act; however the tenant did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession based on the end of a fixed-term tenancy agreement?

Background and Evidence

The current tenancy between the parties commenced on May 1, 2015. A copy of the tenancy agreement signed by the parties on April 3, 2015 was supplied as evidence.

Clause four of the tenancy agreement indicates that the tenancy commenced on May 1, 2015 and is to end effective August 31, 2015. Subsection 4(D) states:

"At the end of this time the tenancy is ended and the tenancy must vacate the rental unit."

The landlord and tenant each initialed this section of the agreement.

The landlord wants to be confident that he will obtain possession on the agreed date and has requested an Order of possession effective the last day of the fixed-term.

Analysis

Section 44 of the Act sets out how a tenancy may end. Section 44(b) specifically references how fixed-term tenancies may end:

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

Therefore, based on the tenancy agreement terms and in accordance with section 44(b) of the Act, I find that this tenancy shall end effective August 31, 2015 at 1:00 p.m. This is the specified end date of the tenancy and the parties have signed agreeing the tenant must vacate on that date.

The landlord has been granted an Order of possession that is effective at 1:00 p.m. on August 31, 2015. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord is entitled to an Order of possession.

This decision is final and binding on the parties and 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: July 10, 2015

Residential Tenancy Branch

