



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB

### Introduction

This hearing was convened by way of conference call in response to the Landlords' Application for Dispute Resolution (the "Application") filed on April 19, 2017. The Landlords applied for an Order of Possession to end the tenancy pursuant to the fixed tenancy agreement.

One of the Landlords and both Tenants appeared for the hearing and provided affirmed testimony. The Tenants confirmed receipt of the Landlords' Application. The hearing process was explained to the parties and they had no questions about the proceedings. Both parties were given a full opportunity to present evidence and make submissions.

### Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession to end the fixed term tenancy?

### Background and Evidence

The parties signed a tenancy agreement which started on July 15, 2016 and is set to end on May 31, 2017. The tenancy agreement stipulates that after this time, the tenancy ends and the Tenants must vacate the rental unit. The parties initialed this provision of the tenancy agreement. Rent is payable by the Tenants in the amount of \$1,500.00 on the first day of each month. The Tenants paid \$750.00 as a security deposit on June 27, 2016 which the Landlord still holds in trust.

The Landlord explained that he was selling the property and was applying to end the tenancy for the fixed term as a precautionary measure just in case the Tenants over hold the tenancy. However, the Tenants confirmed that they are going to move out of the rental unit pursuant to the tenancy agreement and did not understand why the Landlord took this action as there were no issues in this tenancy.

### Analysis

Section 44 of the *Residential Tenancy Act* (the “Act”) stipulates how a tenancy ends. In particular, Section 44(1) (b) of the Act states 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. Based on the undisputed evidence before me, I find that the tenancy will end pursuant to the signed tenancy agreement on May 31, 2017.

Section 55(2) (c) of the Act provides that a landlord may apply for an Order of Possession of a rental unit if the tenancy agreement is a fixed term tenancy agreement that stipulates the tenant must vacate the rental unit. Section 55(3) of the Act also provides that the director may grant an Order of Possession before or after the dates when a tenant is required to vacate a rental unit, and the order takes effect on the date specified in the order.

The Tenants were informed of these provisions during the hearing and it was explained that a landlord retains these rights and remedies under the Act. Accordingly, I grant the Landlords’ Application for an Order of Possession effective for the end date of the tenancy agreement, namely on May 31, 2017.

### Conclusion

The fixed term tenancy will end pursuant to the signed tenancy agreement on May 31, 2017. The Landlords are granted an Order of Possession effective for 1:00 p.m. on this date. The Landlords may enforce the order through the Supreme Court of British Columbia if the Tenants fail to vacate the rental unit. A copy of the order is attached to the Landlords’ copy of this Decision. This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: May 29, 2017

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Residential Tenancy Branch