Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and to recover the filing fee. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

During the hearing, the tenant advised me that she intended to move out by 11 a.m. on August 01, 2011. The landlord agreed to allow the tenancy to continue till August 01, 2011. The landlord raised the issue of unpaid rent and repairs. This hearing dealt with the tenant's application to cancel the notice to end tenancy. Therefore this hearing will deal with this issue alone. The landlord is free to make his own application to resolve monetary and other issues related to this tenancy.

Analysis

The tenant agreed to move out and therefore has accepted that the tenancy will end as per the notice to end tenancy. Therefore the notice to end tenancy is upheld and the tenancy will end on August 01, 2011.

The landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order.

The tenant must be served with the order of possession. 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.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective on or before **11:00 a.m. on August 01, 2011.** The tenant must bear the cost of filing this application.

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: July 21, 2011.

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Residential Tenancy Branch