



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, FF, OPL, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to Section 55. The tenant applied to cancel the notice to end tenancy, pursuant to Section 49. Both parties applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord served this notice to end the tenancy for landlord use of property, in good faith?

Background and Evidence

The tenancy started in June 1999. The monthly rent is \$650.00 due in advance on the first day of the month. On July 31, 2012, the landlord served the tenant with a two month notice to end tenancy for landlord's use of property. Neither party filed a copy of the notice.

During the hearing the tenant informed me that she was planning to move out on October 01, 2012 which is the effective date of the notice to end tenancy.

The tenant agreed that she is no longer disputing the notice.

Analysis

In this case, the effective date of the notice is October 01, 2012. Based on the testimony of both parties, I find that the landlord is entitled to an order of possession effective October 01, 2012.

Accordingly, the notice to end tenancy is upheld and pursuant to section 55(2) I am issuing a formal order of possession. This order may be filed in the Supreme Court for enforcement.

Since the landlord made application well in advance of the effective date of the notice and since the tenant will move by the effective date, the landlord must bear the cost of filing his application. The tenant agreed that she was no longer disputing the notice and therefore she should also bear the cost of filing her application.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on October 01, 2012

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: August 29, 2012.

Residential Tenancy Branch