



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPB, OPL, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Cause, and Order of Possession for Breach of an agreement, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55 and 72 of the *Residential Tenancy Act* (Act).

Background and Evidence

The Landlord and the Tenant agree that the parties entered into a fixed term tenancy agreement; that the fixed term began on September 01, 2011 and ends on October 31, 2011; and that the agreement clearly indicates the Tenant must move out of the rental unit at the end of the fixed term.

The Tenant stated that she intends to vacate the rental unit by October 31, 2011.

The Landlord stated that she filed the Application for Dispute Resolution to ensure she is able to regain possession of the rental unit at the end of the tenancy. She stated that the Tenant has not indicated to her that she will be remaining in the rental unit after the end of the fixed term.

Analysis

Section 55(2)(c) stipulates that a landlord may request an Order of Possession if 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.

On the basis of the undisputed evidence presented at the hearing, I find that the parties entered into a fixed term tenancy agreement that provides that the tenant will vacate the rental unit by October 31, 2011. I therefore find that the Landlord is entitled to an Order of Possession on that date.

Conclusion

I hereby grant the Landlord an Order of Possession that is effective at 1:00 p.m. on October 31, 2011. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I find that the Landlord has not established that there was a need to file this Application for Dispute Resolution, as the Tenant has indicated intent to vacate by the end of October. I therefore dismiss the Landlord's application to recover the filing fee for the Application for Dispute Resolution.

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: October 25, 2011.

Residential Tenancy Branch