



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution, seeking an order of possession for the landlord's use of the property. Both parties appeared and were provided the opportunity to present their evidence.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord issued the tenant a two month notice to end tenancy, on June 06, 2012 to be effective on August 31, 2012. During the hearing the tenant stated that she would be moving out on the effective date of the notice and was not disputing the notice.

Analysis

The effective date of the notice is August 31, 2012 and the tenant intends to move out on that day. Pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 p.m. on August 31, 2012. The Order may be filed in the Supreme Court for enforcement.

The tenant intended to move on the effective date of the notice and did not dispute the notice. Since the effective date has not passed, the landlord's application is premature and therefore he must bear the cost of filing his application.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on August 31, 2012. The landlord is not entitled to the recovery of the filing fee.

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 26, 2012.

Residential Tenancy Branch