



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL and FF

### Introduction

This hearing was convened on an application made by the landlords on July 30, 2012 for an Order of Possession pursuant to a Notice to End Tenancy for landlord use to take effect on August 31, 2012. The landlords also sought to recover the filing fee for this proceeding from the tenant.

### Issue(s) to be Decided

This matter requires a decision on whether the landlords are entitled to an Order of Possession as requested and to recover the filing fee from the tenant.

### Background and Evidence

This tenancy began on May 1, 2011. Rent is \$575 per month and the landlords hold a security deposit of \$275 paid shortly before the beginning of the tenancy.

During the hearing, the tenant's advocate gave evidence that the tenant did not contest the Notice to End Tenancy and was preparing to vacate the rental unit as requested by the landlords.

The advocate agreed that the landlords be issued with an Order of Possession effective on August 31, 2012, but raised two issues for the record:

1. The advocate stated that while the tenant received a copy of the Notice to End Tenancy for landlord use, it was not until he received the Notice of Hearing on or about July 30, 2012, although she did acknowledge receipt of a hand written letter giving notice on June 30, 2012;

2. The advocate also asked that the record include the landlord's statement during the hearing that the landlords had contacted social services to advise them that the tenant was not required to pay rent for August 2012. (The last month's free rent is granted under section 51 of the Act when notice has been given for landlord use.)

### Analysis

By consent of both parties, the landlords' copy of this decision is accompanied by an Order of Possession to take effect at 1 p.m. on August 31, 2012.

As there is some doubt as to when the actual Notice to End Tenancy form was served on the tenant, and as the tenant advised the landlords that he intended to honour the hand written notice, I decline to award the landlords' filing fee.

### Conclusion

The landlords' copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on August 31, 2012.

The landlords' request to recover the filing fee for this proceeding from the tenant is dismissed.

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 27, 2012.

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Residential Tenancy Branch