



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPB, FFL, OPL**

Introduction

This hearing dealt with an application filed by the pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order of possession to the landlord for breach of a vacate clause in the tenancy agreement, pursuant to section 55;
- Authorization to recover the filing fee from the other party pursuant to section 72; and
- An order of possession pursuant to 2 Month Notice to End Tenancy for Landlord’s Use, pursuant to sections 49 and 55.

Both the tenant and the landlord attended the hearing. The tenant acknowledged service of the landlord’s application for dispute resolution and had no issues with timely service of documents.

In her evidence, the tenant provided a copy of an email sent to the landlord indicating she will be moving out of the rental unit on November 30, 2021, the effective date stated on the notice to end tenancy.

The landlord testified she received the tenant’s email and the parties agreed that the landlord has already compensated the tenant with the equivalent of one month’s rent pursuant to section 51 of the Act.

As a result, I make the following orders:

This tenancy will end at 1:00 p.m. on November 30, 2021 by which time the tenant and any other occupant will have vacated the rental unit.

The decision to order payment of the filing fee is discretionary upon the arbitrator and in accordance with section 72 of the *Act*, the filing fee will not be recovered.

Conclusion

I grant an Order of Possession to the landlord effective at **1:00 p.m. on November 30, 2021**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced in the Supreme Court of British Columbia.

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: November 22, 2021

Residential Tenancy Branch