



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNC, MNDC, RR, O

### Introduction

This was the hearing of an application by the tenant for an order cancelling a one month Notice to End Tenancy for cause, for a monetary order, a rent reduction and other unspecified relief. The hearing was held at the Residential Tenancy Office in Burnaby. The tenant attended as did the landlord and her husband.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?  
Is the tenant entitled to a monetary order and if so, in what amount?  
Is the tenant entitled to a rent reduction?

### Background and Evidence

The tenant applied to cancel a one month Notice to End Tenancy for cause dated January 31, 2011 that required the tenant to move out of the rental unit by February 28, 2011. He requested a monetary order in the amount of \$5,000.00 and an order permitting him to reduce his rent payments due to the landlord's failure to provide services or facilities.

At the hearing the tenant requested an adjournment because he claimed that the Residential Tenancy Office refused to accept evidence in support of his claim and because he needed more time to submit evidence in support of his damage claim.

The tenant said that he would not oppose the landlord's Notice to End Tenancy because living conditions at the rental property had become intolerable and he was moving at the end of February.

At the hearing I advised the tenant that I would not adjourn his damage claim; I said that his claim to cancel the Notice to End Tenancy would be dismissed because he no longer opposed the Notice. I advised the tenant that I would, if the landlord agreed,

dismiss his application for a monetary award with leave to reapply. The landlord consented to the dismissal of the tenant's damage claim with leave to reapply.

Analysis and conclusion

Because the tenant no longer disputed the landlord's Notice to End Tenancy, I dismiss his application to cancel the Notice to End Tenancy without leave to reapply. The tenant's application for a monetary order is dismissed with leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective February 28, 2011 after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Dated: February 18, 2011.

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