



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a Notice to end tenancy for cause.

The parties appeared at the teleconference hearing, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has a valid 1 Month Notice been issued and served upon the Tenant in accordance with the *Residential Tenancy Act*?
2. If so, has the Tenant been successful with her application to have the Notice cancelled?
3. Did the Landlord request an Order of Possession?

Background and Evidence

The Tenant affirmed that she entered into a verbal tenancy agreement that began in approximately February 2002. Rent is paid directly to the Landlord by Income Assistance in the amount of \$744.00 and a security deposit of \$350.00 was paid sometime prior to the tenancy. The 1 Month Notice to End Tenancy for Cause was personally served to the Tenant by the Agent on August 21, 2011.

The Tenant advised that they have secured alternate accommodations and have been moving their possessions out since September 8, 2011. During the hearing the Tenant confirmed with her spouse that they would be moved out of the property by September 30, 2011 and did not need more time. The Tenant alleged that the Landlord has already received payment for October 2011 rent and that she has refused to return it to the Ministry.

The Landlord's Agent confirmed she attended the hearing to ensure their legal rights were upheld and to request that the 1 Month Notice be upheld and an Order of Possession be granted. The Landlord affirmed that as of today's hearing they had not yet received the October 1, 2011 rent payment from Income Assistance. She stated that she understood that she would be required to return the September, 2011 payment issued for October 2011 rent to the Ministry of Housing and Social Development if an Order of Possession for September 30, 2011 was granted.

Analysis

The Tenant made application to cancel the 1 Month Notice issued for cause for the reason to seek an extension of time before having to vacate the property. The Tenant appeared at the hearing and affirmed that they were no longer seeking more time; accordingly I dismiss the Tenant's application.

Upon review of the 1 Month Notice to End Tenancy, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the Tenants in a manner that complies with the Act.

Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing. Accordingly I grant the Landlord an Order of Possession.

Conclusion

I HEREBY FIND that the Landlord is entitled to an Order of Possession effective **September 30, 2011 at 1:00 p.m. after service on the Tenant**. This Order is legally binding and must be served upon the Respondent Tenants.

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: September 23, 2011.

Residential Tenancy Branch