



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This was the hearing of an application by the tenants to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The named tenant participated in the hearing. The landlord attended with his daughter who acted as his spokesperson and translator.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

The tenancy began in 1998. On September 20, 2011 the landlord served the tenants with a one month Notice to End Tenancy for cause by posting it to the door of the rental unit. The Notice required the tenant to move out of the rental unit. On September 28, 2011 the tenants applied for dispute resolution to set aside the Notice to End Tenancy. On September 30, 2011 the tenants gave the landlord written notice that they would end the tenancy and move out of the rental unit on October 31, 2011.

At the hearing of this application the tenant confirmed that she had secured other accommodation and was moving out of the rental unit on October 31, 2011, but she wished to proceed with the hearing to obtain a determination that the landlord did not have cause to end the tenancy. Both parties have submitted documentary evidence concerning the tenancy and the presence or absence of grounds for a Notice to End Tenancy.

### Analysis and conclusion

Because the tenancy will end on October 31, 2011 regardless of any determination that I might make with respect to the September 20, 2011 Notice to End Tenancy, I find that the tenants' application to cancel the Notice to End Tenancy is moot and there is no

reason to make a determination as to the presence or absence of sufficient cause to warrant ending the tenancy.

The tenants' application is dismissed, but I make no finding with respect to the presence or absence of cause to end the tenancy. I find that the tenancy will end pursuant to the one month Notice to End Tenancy given by the tenant on September 30, 2011. The tenant has confirmed that she is in the process of moving; she does not object to the issuance of an order for possession effective October 31, 2011 and on that basis I will grant issue an order for possession effective on October 31, 2011 at 1:00 P.M. This order may be registered in the Supreme Court and enforced as an order of that court.

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: October 27, 2011.

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Residential Tenancy Branch