



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF / OPC

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

During the hearing the landlord confirmed the wish to obtain an order of possession in the event that the tenant's application is not granted.

Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

Background / Evidence / Analysis

Pursuant to a written tenancy agreement, a copy of which is not in evidence, what is a month-to-month tenancy began approximately 14 years ago. Currently, monthly rent is \$658.17 and it is due and payable in advance on the first day of each month. A security deposit of \$295.00 was collected at the start of tenancy.

The landlord issued a 1 month notice to end tenancy for cause dated July 26, 2012. The notice was posted on the tenant's door on that same date. The tenant filed an application to dispute the notice on July 29, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 31, 2012. Reasons shown on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

seriously jeopardized the health or safety or lawful right of another occupant or the landlord

put the landlord's property at significant risk

During the hearing the tenant testified that he has made arrangements to vacate the unit effective August 31, 2012. In the result, I consider the tenant's application to have the 1 month notice set aside to be withdrawn, and I hereby issue an order of possession in favour of the landlord.

As the tenant's application to have the notice set aside has been withdrawn, and an order of possession has been issued in favour of the landlord, the tenant's application to recover the filing fee is hereby dismissed.

Conclusion

The tenant's application for cancellation of a notice to end tenancy is withdrawn.

The tenant's application for recovery of the filing fee is hereby dismissed.

I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Friday, August 31, 2012**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: August 27, 2012.

Residential Tenancy Branch