



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the commencement of the hearing, the person appearing on behalf of the tenant confirmed that the rental unit will be vacated and possession of the unit will be returned to the landlord by January 31, 2013 – the correct effective date of the Notice to End Tenancy.

The landlord requested an Order of Possession be provided to him.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant had filed to dispute a 1 Month Notice to End Tenancy for Cause dated December 16, 2012 with a stated effective date of January 16, 2013 (the Notice).

Both parties confirmed that the effective date should read January 31, 2013.

Analysis

Section 55 of the Act provides that an Order of Possession shall be granted to a landlord where:

- The tenant files to cancel a Notice to End Tenancy and the Notice to End Tenancy is upheld or the Application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

As the tenant's representative stated during the hearing that vacant possession of the unit shall be returned to the landlord by January 31, 2013 I consider the tenant to have accepted the end of tenancy and I dismiss his Application to cancel the Notice. Accordingly, I grant the landlord's request for an Order of Possession pursuant to section 55 of the Act.

Provided to the landlord with this decision is an Order of Possession effective January 31, 2013 to serve and enforce as necessary.

Conclusion

The tenancy shall end at 1:00 p.m. on January 31, 2013 and the landlord has been provided an Order of Possession to that effect.

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: January 23, 2013

Residential Tenancy Branch

