



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Your Choice Homes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF, OPR, CNL, MNDC

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The landlord's application is a request for an Order of Possession.

The tenant's application is a request to cancel a Notice to End Tenancy, and a request for a Monetary Order for \$5,000.00.

First of all it is my decision that I will not deal with all the issues that the tenant has put on his application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request to cancel a Notice to End Tenancy, and I dismiss the remaining monetary claim with liberty to re-apply.

Background and Evidence

The landlords testified that:

- The tenant has not paid the rent for the month of May 2013 and has been issued a 10 day Notice to End Tenancy. They are therefore requesting an Order of Possession for as soon as possible.

The tenant testified that:

- He has not paid the May 2013 rent, because he got an eviction notice and needed to find a place to move to.
- He has moved out of the rental unit, and therefore does not oppose the landlords request for an Order of Possession.
- As far as he's concerned, since he's already moved out of the rental unit, the landlords can take possession right away.

Analysis

The tenant stated did he does not oppose the request for an Order of Possession as he's already vacated the rental unit and therefore I will be issuing an Order of Possession to the landlords, and an order for recovery of their filing fee.

Conclusion

Landlord's application

I have issued an Order of Possession to the landlords for May 31, 2013.

I have also issued a Monetary Order for recovery of the \$50.00 filing fee.

Tenant's application

The tenant has vacated and therefore has withdrawn his request to cancel a Notice to End Tenancy.

The monetary portion of the tenant's application is dismissed with leave to reapply.

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: May 30, 2013

Residential Tenancy Branch

