



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a Notice to End Tenancy for Unpaid Rent.

The parties gave affirmed testimony at the Hearing.

The Tenant testified that she served the Landlord with the Notice of Hearing documents and copies of her documentary evidence by registered mail sent November 7, 2013. The Tenant provided the tracking numbers for the registered documents. The Landlord acknowledged receipt.

The Landlord testified that his agent served the Tenant with copies of his documentary evidence on November 27, 2013, by handing the documents to the Tenant at the rental unit. The Tenant acknowledged receipt.

Issue to be Determined

Should the Notice to End Tenancy issued November 3, 2013, be canceled?

Background and Evidence

This tenancy began on February 1, 2011. Monthly rent is \$550.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$275.00 at the beginning of the tenancy.

The Landlord stated that the Tenant owes rent for the months of September, October, November and December, 2013. He stated that the Tenant was served with the Notice to End Tenancy on November 3, 2013, in person. A copy of the Notice to End Tenancy was provided in evidence.

The Tenant disputed that she owes any rent. During the course of the Hearing, the Tenant stated that she is moving out of the rental unit "in two days".

The Landlord asked for an Order of Possession.

Analysis

The Tenant stated that she is moving out of the rental unit and therefore her application to cancel the Notice is not necessary and is dismissed. I find that the Notice to End Tenancy is a valid notice. Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

Further to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant.**

Conclusion

The Tenant's application is dismissed.

I hereby provide the Landlord with an Order of Possession effective **2 days after service of the Order upon the Tenant.** This 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: December 04, 2013

Residential Tenancy Branch

