# Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

## DECISION

Dispute Codes     O CNC

Introduction

This hearing dealt with an application by the tenant for an order setting aside a 1 Month Notice to End Tenancy for Cause. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on November 19, 2013, the landlord did not appear.

At the hearing the tenant stated that she no longer wished to dispute the Notice to End Tenancy, she wished to withdraw her application, and she was prepared to consent to the tenancy ending. The tenant stated that the December rent had been paid. Accordingly, I order, pursuant to section 44(1)(f) of the *Residential Tenancy Act* that this tenancy is ended effective 1:00 pm, December 31, 2013.

The tenant was prepared to consent to the issuance of an order of possession to the landlord effective December 31 by after reviewing the provisions of the *Residential Tenancy Act* I have come to the conclusion that I cannot do so. The Act allows an arbitrator to grant an order of possession to a landlord in the following circumstances:

- The landlord has filed an application for dispute resolution asking for an order of possession pursuant to sections 55(1) or 56.

- The tenant has filed an application for dispute resolution disputing a notice to end tenancy and at the hearing the landlord has made an oral request for an order of possession and the arbitrator has dismissed the tenant's application or upholds the notice to end tenancy.

- The parties agree at the hearing that an order of possession will be granted.

In this case there is no application by the landlord, no oral request by the landlord, and no agreement at the hearing by the landlord and the tenant to the issuance of an order of possession.

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 12, 2013

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Residential Tenancy Branch