



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CMHA KOOTENAYS
and [tenant name suppressed to protect privacy]

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.

The parties indicated they had resolved their dispute by way of a mutual agreement to extend the effective date of the 1 Month Notice to June 30, 2014. The tenants stated their request to cancel the 1 Month Notice was no longer necessary. As such, I dismissed their Application. The landlord orally requested an Order of Possession effective on June 30, 2014 at 1:00 p.m.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenants filed to dispute a 1 Month Notice to End tenancy for Cause issued on April 17, 2014. The 1 Month Notice has a stated effective date of May 31, 2014. While waiting for this hearing the tenants requested and the landlord agreed to extend the effective date of the 1 Month Notice to June 30, 2014 so as to permit the tenants' son to finish out the school year at his current school.

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 application is dismissed; and,
- The landlord orally requests an Order of Possession during the scheduled hearing.

Having dismissed the tenant's Application to cancel a 1 Month Notice, I find the criteria of section 55 have been met and I grant the landlord's request for an Order of Possession effective on June 30, 2014 at 1:00 p.m.

Conclusion

The tenancy shall end and the landlord is provided an Order of Possession effective at 1:00 p.m. on June 30, 2014.

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: June 03, 2014

Residential Tenancy Branch

