



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC; MNDC

Introduction

This Hearing was scheduled to hear the Tenant's application to cancel a *One Month Notice to End Tenancy for Cause* issued May 8, 2014 (the "Notice"); and for compensation for damage or loss under the Act, regulation or tenancy agreement.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant served the female Landlord with the Notice of Hearing documents by registered mail.

Preliminary Matter

The Residential Tenancy Rules of Procedure provide that for disputes to be combined on an application they must be related. I find that that the Tenant's monetary claim is not sufficiently related to the main issue, which is to cancel the Notice.

The Landlord's legal advocate agreed that the Tenant's monetary claim should be heard separately. For these reasons, I dismiss the Tenant's application for monetary compensation **with leave to reapply**.

I strongly recommend that the Tenant seek procedural advice from an Information Officer should he decide to reapply for a monetary award.

Background and Evidence

During the course of the Hearing, the Tenant stated that he has accepted that the tenancy is ending and that he is in the process of moving out of the rental unit.

The Landlord served the Tenant with the Notice on May 8, 2014.

The Landlord's advocate requested an Order of Possession.

Analysis

The Tenant has accepted the Notice and therefore I dismiss the Tenant's application to cancel it.

Section 55(1) of the Act states:

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.

Based on the testimony of the parties, I am satisfied that the Tenant received the 1 Month Notice to End Tenancy on May 8, 2014. I find that the effective date of the end of the tenancy was Jun 30, 2014, and that therefore the Landlord is entitled to an Order of Possession effective 2 days after service of the Order upon the Tenant.

Conclusion

The Tenants' application to cancel the Notice is dismissed. The remainder of the Tenant's application is dismissed **with leave to re-apply**.

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: July 04, 2014

Residential Tenancy Branch

