



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This is an application to cancel Notice to End Tenancy that was given for cause.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, 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

The issue is whether or not to uphold or cancel a Notice to End Tenancy that was given listing the following reasons:

- Tenant is repeatedly late paying rent.
- Tenant has engaged in illegal activity that has, or is likely to damage the landlord's property.

Background and Evidence

Prior to the hearing the landlord sent a statement withdrawing the claim of illegal activity, stating that that box was checked off in error.

At the hearing the landlord stated that they still want to end this tenancy, and want an Order of Possession, due to the fact that rent is repeatedly late.

At the hearing the tenant stated that she is no longer disputing this notice, and is moving on Wednesday, October 29, 2014.

The tenant further stated that the only reason she disputed the notice in the first place was because of the allegations of illegal activity and therefore she does not dispute the request for an Order of Possession.

Analysis

Since the tenant has stated she is vacating on October 29, 2014 and is not disputing the landlord's request for an Order of Possession, the Notice to End Tenancy will not be canceled in an Order of Possession will be issued.

Conclusion

This application to cancel Notice to End Tenancy is dismissed and I have issued an Order of Possession for 1:00 PM on October 29, 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: October 27, 2014

Residential Tenancy Branch

