



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      CNR

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was personally served on the Tenant on October 11, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on October 16, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated October 11, 2014?

### Background and Evidence

The tenancy began on October 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$1075 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$400 at the start of the tenancy.

The tenants testified they vacated the rental unit on November 1, 2014. The landlord testified she does not live in the area but she believes the tenants' belongings are still in the rental unit. The landlord stated the tenants owe \$2675 in outstanding rent and they have significantly

damaged the rental unit. The tenants dispute the claim for non payment of rent and damage to the rental unit. They testified they were forced to leave because the landlord failed to ensure the heat was properly working.

Analysis

**As the tenants have left I determined it was appropriate to dismiss the tenants' application without leave to re-apply as the cancellation of the Notice is moot. The tenancy shall end in accordance with the Notice to End Tenancy.**

Order for Possession

I determined it was appropriate to grant an order for Possession as the landlord expressed concern that the tenants have not left. The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. **As a result I granted the landlord an Order for Possession on 2 days notice.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: November 26, 2014

---

Residential Tenancy Branch

