



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, CNC

### Introduction

This was a hearing with respect to applications by the landlords and by the tenant. The landlord applied for an order for possession pursuant to a one month Notice to End Tenancy for cause. The tenant applied to cancel the Notice to End Tenancy. The hearing was conducted by conference call. The landlords attended the hearing and were represented by their lawyer at the hearing. The tenant called in and participated in the hearing.

### Issue(s) to be Decided

Should the one month Notice to End Tenancy dated November 18, 2014 be cancelled?  
Is the landlord entitled to an order for possession?

### Background and Evidence

The rental unit is an apartment in Smithers. The tenancy began in October, 2012. The landlords served the tenant with a one month Notice to End Tenancy for cause dated November 18, 2014. The Notice to End Tenancy required the tenant to move out of the rental unit by December 31, 2014. The tenant applied to dispute the Notice to End Tenancy and the landlords submitted an application seeking an order for possession pursuant to the Notice to End Tenancy.

At the hearing the tenant testified that he has made arrangement to move out of the rental unit to new accommodation and requested that he be permitted to remain in the rental unit until January 4, 2015.

The landlords accepted the tenant's proposal provided that an order for possession was granted requiring the tenant to move out on January 4<sup>th</sup>. The landlords have received a

rent payment on behalf of the tenant for the month of January. They agreed to return the January rent cheque uncashed.

Analysis and Conclusion

Pursuant to the agreement of the parties made at the hearing, I dismiss the tenant's application without leave to reapply and I grant the landlords an order for possession effective January 4, 2015 after service upon the tenant. This order may be registered in the Supreme court and enforced as an order of that court. I confirm that the landlord will return the tenant's January rent payment.

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 30, 2014

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Residential Tenancy Branch

