



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNLC

Introduction

This hearing was scheduled to address the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy and cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

Both parties attended this hearing. The tenant was supported at the hearing by an advocate.

Relevant Evidence and Analysis

The tenant testified that, after being served a 1 Month Notice to End Tenancy for Cause on December 1, 2014 by its posting on her door, she applied for a dispute resolution hearing on December 2, 2014. Based on this testimony, I find the tenant was served with the 1 Month Notice on or before December 2, 2014.

While awaiting hearing for the matter of the 1 Month Notice in this case, the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice"). An arbitrator of the Residential Tenancy Branch, on considering an application for an order of possession by the landlord, found that the tenant had not made an application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, that arbitrator determined that this tenancy ended on the effective date of the notice. In this case, the arbitrator issued a decision that the tenancy was to end 2 days after the service of the Order of Possession by the landlord. That order of possession was granted on December 29, 2014. The arbitrator noted if the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

As such, this tenancy ended on the basis of the 10 Day Notice.

After outlining this information to the parties, the tenant withdrew her application to cancel the 1 Month Notice.

Conclusion

The application of the tenant with respect to more time and cancellation of the 1 Month Notice are withdrawn.

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: January 07, 2015

Residential Tenancy Branch

