



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This was a hearing with respect to the tenants' application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The tenants and the named landlord called in and participated in the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy for cause be cancelled?

Background and Evidence

The rental unit is a house and is shared accommodation. The named landlords are renting the house and subletting a portion of the house to the tenants. The respondents served the tenant with a one month Notice to End Tenancy for cause dated December 15th/17th, 2014. The Notice to End Tenancy required the tenants to move out by February 1, 2015.

The applicant and the respondents submitted a large volume of evidence related to disputes between the parties, however the tenants stated in writing that they intended to vacate the rental unit on or before February 1, 2015. The landlord complained that the tenants have not paid rent for January and continue to occupy the rental unit.

Analysis

Because the tenants have unequivocally committed to move out of the rental unit on or before February 1, 2015, there is no purpose to be served by an inquiry as to the grounds for the Notice to End Tenancy and whether or not it should be set aside. Based on the tenants' agreement that the tenancy will end on February 1, 2015, I dismiss the tenants' application to cancel the Notice to End Tenancy without leave to

reapply. In the event that the tenants do not move as promised the landlord is entitled to an order for possession effective two days after service, this order may be registered in the Supreme Court and enforced as an order of that court.

If the landlord intend to pursue any monetary claim for unpaid rent, she will have to file her own application for dispute resolution

Conclusion

The tenants' application has been dismissed and the landlord has been granted an order for possession.

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: February 12, 2015

Residential Tenancy Branch

