



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, MNDC

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 one month Notice to End Tenancy was personally served on the Tenant on March 30, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on April 1, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated March 30, 2015?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to an order suspending or setting conditions on the landlord's right of entry?

Background and Evidence

The tenancy began in October 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$1050 per month payable on the first day of each month.

On April 10, 2015 the landlord obtained an Order for Possession on 2 days notice. The tenant produced evidence that she obtained an order from the Supreme Court of British Columbia staying that order until May 15, 2015.

The tenant testified that she has removed 98% of her belongings and that she expects to be out of the rental property by May 17, 2015. She further stated that she wished to withdraw her application as she no longer wishes to remain in the rental unit as a tenant.

Application to Cancel the one month Notice to End Tenancy:

The tenant stated that she wished to withdraw her application. As a result I ordered that her application to cancel the one month Notice to End Tenancy is dismissed without leave to re-apply. .

Order for Possession:

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 effective May 17, 2015..

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.

Application for an order to suspend or set conditions on the landlord's right of entry?

As the tenancy is coming to an end I dismissed the tenant's application to suspend or set conditions on the landlord's right of entry without leave to re-apply.

Application for a monetary order:

I have not considered the tenant's application for a monetary order on its merits. It appears there is still many contentious issues. I determined that it was appropriate to dismissed the tenant's application for a monetary order with leave to re-apply.

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: May 12, 2015

Residential Tenancy Branch

