



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated September 21, 2015.

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 September 1, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on September 24, 2015.

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 September 21, 2015?

Background and Evidence

The tenancy began on February 1, 2015. The tenancy agreement provided that the tenant(s) would pay rent of \$700 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$350 at the start of the tenancy.

The tenant testified that he had found alternative accommodation and he would have all of his belongings out of the rental unit by tomorrow.

Analysis:

As a result of the tenant's decision to move I dismissed the tenant's application to cancel the one month Notice to End Tenancy. The tenancy shall come to an end on the date set out in the Notice.

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 an arbitrator has dismissed a tenant's application to set aside a Notice to End Tenancy, the arbitrator 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, 2015

Residential Tenancy Branch

