



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenant to cancel a 1 Month Notice to End Tenancy for Cause (the “1 Month Notice”). Both parties appeared for the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenant’s Application pursuant to Section 89(1) (c) of the *Residential Tenancy Act* (the “Act”).

Preliminary Issues

At the start of the hearing, the Tenant was asked whether she was still residing in the rental unit. The Tenant explained that since the service of the 1 Month Notice by the Landlord on September 23, 2015, she had been served with a 2 Month Notice to End Tenancy for the Landlord’s Use of the Property (the “2 Month Notice”) in October 2015.

The Tenant explained that she had accepted the 2 Month Notice and is going to vacate the rental unit on the vacancy date of December 31, 2015. The parties confirmed that the Tenant had withheld rent on December 1, 2015 in order to obtain her monetary relief the Tenant is entitled to under the 2 Month Notice.

As a result, the parties agreed that the tenancy will end pursuant to the 2 Month Notice on December 31, 2015. As a result, the parties agreed to withdraw the 1 Month Notice and the Tenant’s Application for which I did not make any legal findings on.

The Tenant agreed that the Landlord could be issued with an Order of Possession. The Landlord is issued with an Order of Possession effective for December 31, 2015 at 1:00 p.m. If the Tenant fails to vacate the rental unit on this date and time, the Landlord may enforce the Order of Possession in the Supreme Court of British Columbia as an order of that court pursuant to the 2 Month Notice. Copies of the Order of Possession are attached to the Landlord’s copy of this decision.

Conclusion

The parties withdrew the 1 Month Notice and the Application. The tenancy will end on December 31, 2015 pursuant to a 2 Month Notice. The Landlord is issued with an Order of Possession to enforce the ending of the tenancy.

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 03, 2015

Residential Tenancy Branch

