



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions and to respond to the submissions of the other party.

During the hearing the tenant testified that she had already vacated the rental unit on November 30, 2015. The tenant confirmed that she and all other occupants and all of their possessions are no longer in the rental unit. The tenant also confirmed that she does not wish to regain possession or resume occupying the rental unit. Section 44(1)(d) of the Act provides that a tenancy ends when a tenant vacates a rental unit. Since the tenant testified that she has already vacated the rental unit and does not wish to resume occupying the rental unit I found her request to cancel the 1 Month Notice to be a moot issue as of the date of this hearing and I found it unnecessary to make finding as to the validity of the 1 Month Notice. Therefore, I dismissed the tenant's application.

The tenant did acknowledge; however, that she had not given the keys back to the landlord. The landlord's agent also stated that the tenant had not informed her that she had vacated the rental unit and this hearing was the first she was hearing of it. Since the landlord has yet to verify that the tenant has actually vacated the rental unit the landlord's agent requested an Order of Possession be provided to her. The tenant indicated she had no objection to this request since she has already vacated the rental unit. Accordingly, I provide the landlord with an Order of Possession to serve and enforce in the event the tenant has not vacated the rental unit.

The parties used the hearing as an opportunity to schedule a date and time for the tenant to return the keys to the rental unit to the landlord's agent and complete the

move-out inspection. The parties agreed to meet at the rental unit for these purposes at 5:00 p.m. on December 3, 2015.

Conclusion

The tenant testified that she has already vacated the rental unit and I dismissed her application to cancel the 1 Month Notice. The landlord has been provided an Order of Possession to serve and enforce in the event the tenant has not yet vacated.

The parties agreed during the hearing to meet at the rental unit at 5:00 p.m. on December 3, 2015 for purposes of returning the keys to the landlord and completing the move-out inspection.

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 02, 2015

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Residential Tenancy Branch

