



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNL FF

### Introduction

This hearing was convened in response to an application by the tenant under the *Residential Tenancy Act* (the Act) to cancel the landlord's 2 Month Notice to End for landlord's use (the Notice) dated April 27, 2016 and recover the filing fee.

Both parties attended the hearing. Both parties acknowledged and confirmed receiving the evidence of the other.

At the outset of the hearing the tenant informed they were vacating the rental unit on the effective date of the Notice to End, June 30, 2016, and effectively no longer disputing the landlord's Notice. The hearing had benefit of a copy of the 2 Month Notice to End. Both parties were apprised that in practice the tenant was acting on the Notice to End and the landlord would therefore be entitled to an Order of Possession effective on the effective date of the Notice. As a result of the above, I **dismiss** the tenant's application to cancel the landlord's Notice to End.

### Analysis and Conclusion

**Section 55** of the Act, in relevant part, states as follows

#### **Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application and I find the landlord's Notice to End complies with Section 52 of the Act. As a result, the landlord is given an Order of Possession effective June 30, 2016.

The tenant remains entitled to the prescribed compensation for receiving the 2 Month Notice to End. That being the equivalent monetary amount of one month's rent under the agreement, or the last month of occupancy free of rent in lieu of the prescribed

The tenant's application to cancel the landlord's Notice to End is **dismissed**.

**I grant an Order of Possession** to the landlord effective **June 30, 2016**. The tenant must be served with this Order of Possession. If necessary, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

*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: June 01, 2016

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Residential Tenancy Branch