



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, O

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for cause.

The landlord and the tenant attended the hearing, during which the parties agreed that the tenant has moved out of the rental unit and friends of the tenant continue to move items out daily. Therefore, the tenant's application is hereby dismissed.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must provide an Order of Possession in favour of the landlord so long as the notice to end the tenancy is in the approved form. I have reviewed the 1 Month Notice to End Tenancy for Cause dated May 7, 2016 and I find that it is in the approved form and contains information required by the *Act*, with the exception of the effective date of vacancy.

The landlord advised that rent is payable on the 1<sup>st</sup> day of each month according to the tenancy agreement, and the *Act* requires that the notice be given before the date rent is payable and must end the tenancy the day before rent is payable for the following month. In this case, the notice is dated May 7, 2016, and therefore I find that the effective date of vacancy is changed to the nearest date that complies with the *Act*, or June 30, 2016. I hereby grant an Order of Possession in favour of the landlord effective that date.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

I hereby grant an Order of Possession in favour of the landlord effective June 30, 2016 at 1:00 p.m.

This order is final and binding and may be enforced.

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 15, 2016

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Residential Tenancy Branch