



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Penticton & Area Cooperative Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

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 hearing did not conclude on the first scheduled date and was adjourned. The tenant attended the hearing on both scheduled dates, and the landlord was represented by an agent on both dates. The tenant was accompanied at the first scheduled date by 2 advocates, however only 1 of those advocates attended on the second scheduled date.

During the course of the second day of the hearing, the tenant withdrew the application.

I explained to the parties that the effect of withdrawing an application for dispute resolution is a dismissal of the claim. I also explained to the parties that the *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end the tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. I have reviewed the 1 Month Notice to End Tenancy for Cause dated June 7, 2016 provided as evidence for this hearing by the tenant, and I find that it is in the approved form, and therefore, I grant an Order of Possession in favour of the landlord.

Since the effective date of vacancy contained in the notice to end the tenancy has already passed, the parties agree that the Order of Possession should be on 2 days notice to the tenant, and I so order.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed as withdrawn.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

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: August 02, 2016

Residential Tenancy Branch

