



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROSPERO INTERNATIONAL REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes

CNC FF

Introduction

This matter was set for a conference call hearing at 9:30 a.m. on this date. The applicant tenant applied to cancel the landlord's 1 Month Notice to End for Cause dated July 08, 2016 with an effective date of August 31, 2016. The tenant provided a copy of the landlord's 1 Month Notice into evidence. Only the applicant tenant appeared in this matter. The tenant advised at the outset of the hearing they are cancelling / withdrawing their application in its entirety as they are vacating the rental unit September 15, 2016. This application **is cancelled and effectively dismissed**.

Analysis and conclusion

Section 55 of the Act 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 find the landlord's notice to end complies with Section 52 of the Act and the effective date of the Notice has passed.

As further result of the above, as the tenant's application has been dismissed I must grant the landlord an Order of Possession effective forthwith.

I grant an Order of Possession to the landlord **effective 2 days** from the day it is served on the tenant. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, 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: September 12, 2016

Residential Tenancy Branch