



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated July 26, 2016.
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was sufficiently served on the Tenants. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Landlord.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated July 26, 2016?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on March 14, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$1400 per month plus \$100 for utilities payable in advance on the first day of each month.

Grounds for Termination:

The Notice to End Tenancy relies on the following grounds set out in the Residential Tenancy Act.

- Rental unit/site must be vacated to comply with a government order

Analysis:

At the start of the hearing the Tenants advised they had found another rental unit to move to and that they wished to withdraw their application. The parties agreed that I should dismiss the Tenants' application and set the Order for Possession for October 2, 2016.

Determination and Orders:

As a result I dismissed the tenant's application to cancel the one month Notice to End Tenancy. I ordered that the tenancy shall end on October 2, 2016 which is the date the parties agreed to. I further order that the application of the tenant for the cost of the filing fee be dismissed as this was not part of the settlement.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession effective October 2, 2016..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 20, 2016

Residential Tenancy Branch