



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause and for the recovery of the filing fee. Both parties attended the hearing.

At the outset of the hearing, the tenant advised me that he had already moved out of the rental unit on December 15, 2016 and therefore wanted to withdraw this application to cancel the notice to end tenancy. Accordingly, the tenant's application is dismissed and the notice to end tenancy dated October 31, 2016, is upheld.

The landlord stated that as of the night before this hearing on December 23, 2016, there was someone still in occupation of the rental unit and he requested an order of possession.

Under the provisions of section 55, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the 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 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: December 23, 2016

Residential Tenancy Branch