



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

On July 6, 2017, the Tenant submitted an Application for Dispute Resolution requesting to cancel a 2 Month Notice to End Tenancy for Landlord Use of Property dated June 28, 2017.

The matter was set for a conference call hearing. The Landlord and Tenant appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence, orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Issues

At the start of the hearing the Tenant testified that he is accepting the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated June 28, 2017, and is moving out of the rental unit at the end of the month. He testified that he has not paid rent to the Landlord for September 2017, as compensation for receiving the 2 Month Notice.

The Tenant testified that he may reapply for compensation should the Landlord fail to comply with his intentions to use the rental property for his own use.

The Tenant has withdrawn his application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property.

I dismiss the Tenant's Application to cancel the 2 Month Notice to End Tenancy For Landlord's Use Of Property dated June 28, 2017.

Under section 55 of the Act, when a Tenant's Application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

The Landlord requested an order of possession.

I find that the Notice complies with the requirements regarding form and content and I find that the Landlord is entitled to an order of possession effective by 1:00 p.m. on September 30, 2017, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

As the Tenant withdrew with his Application, I do not grant recovery of the cost of the filing fee.

Conclusion

The Tenant's Application to cancel the 2 Month Notice To End Tenancy For Landlord's Use Of Property dated June 28, 2017, is dismissed.

I grant the Landlord an order of possession effective by 1:00 p.m. on September 30, 2017. The Tenant must be served with the order of possession.

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 15, 2017

Residential Tenancy Branch