



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX CREST REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR

Introduction

This hearing was convened by way of conference call in response to the Tenants' Application for Dispute Resolution (the "Application") to cancel a 10 Day Notice to End Tenancy for Unpaid Utilities (the "10 Day Notice") dated September 2, 2017.

Preliminary Matters

An agent for the Landlord appeared for the hearing and requested an Order of Possession to end the tenancy pursuant to Section 55(1) of the *Residential Tenancy Act* (the "Act").

The Tenant appeared 14 minutes late for the hearing and explained that he was trying to call the Residential Tenancy Branch to cancel this hearing. The Tenant explained that they were in rental arrears but were in the process of moving out of the rental unit and were planning to vacate by December 3, 2017.

The Landlord still requested an Order of Possession and the Tenant had no issue with the Landlord being issued with a two day Order of Possession which would allow them enough time to vacate the rental unit. Accordingly, the Tenant withdrew the Application with the consent of the Landlord, which is effectively hereby dismissed.

Section 55(1) of the Act states that if a tenant makes an Application to dispute a notice to end tenancy, the Arbitrator **must** grant an Order of Possession if it complies with the Act and the tenant's application is dismissed.

I find the 10 Day Notice provided into evidence by the Landlord complies with Section 52 of the Act. As the Tenant's Application is dismissed, the Landlord must be granted an Order of Possession. The Tenant had not objection to this course of action.

Copies of this order are attached to the Landlord's copy of this Decision. This order may be filed and enforced in the BC Supreme Court as an order of that court if the Tenants fail to vacate the rental unit. The Tenants may also be held liable for any enforcement costs incurred by the Landlord to obtain vacant possession of the rental unit.

Conclusion

The Tenants withdrew the Application. The Landlord is granted a two day Order of Possession to end the tenancy.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: November 30, 2017

Residential Tenancy Branch