



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a One Month Notice to End Tenancy for Cause.

Both parties appeared.

Preliminary and procedural matters

At the outset of the hearing the tenant indicated that they gave notice to end the tenancy effective December 31, 2018. The landlord acknowledged that they received the tenant's notice to end tenancy. The landlord stated that they are agreeable to obtain an order of possession for December 31, 2018.

The landlord indicated that the tenant has not paid rent for December 2018. The tenant indicated that they withheld rent for reasons.

The tenant was cautioned that failure to pay rent in accordance with section 26 of the Act, is a breach of the Act. The tenant cannot withhold rent simply because they feel entitled to do so. **I order** that tenant to pay their outstanding rent immediately.

As the tenancy is legally ending in accordance with the Act, I find it not necessary to consider the merits of the Notice.

I find that the landlord **is** entitled to an order of possession effective **December 31, 2018, at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

As the merits of the notice to end tenancy were not considered as the tenant gave notice to end the tenancy, I decline to award the filing fee.

Conclusion

The tenancy will legally end on December 31, 2018. The landlord is granted an 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: December 11, 2018

Residential Tenancy Branch