



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) pursuant to the *Residential Tenancy Act* ("the Act") for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 49; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord, the landlord's agent, the landlord's daughter and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

At the outset of the hearing the tenant testified that they are going to vacate the rental unit on the effective date of the Two Month Notice.

The tenant indicated that they are no longer disputing the Two Month Notice although they will be seeking compensation if the landlord does not do what they have indicated they would do on the Two Month Notice.

Analysis

As the tenant is not disputing the Two Month Notice anymore, the tenant's Application to dispute the Two Month Notice is dismissed, without leave to reapply.

For the same reason as above, I dismiss the tenant's request to recover the filing fee, without leave to reapply.

Section 55(1) of the Act provides that if a tenant makes an application to set aside a landlord's notice to end a tenancy and the application is dismissed, the Arbitrator must grant the landlord an order of possession if the notice complies with section 52 of the

Act. I find that the Two Month Notice complies with section 52 of the *Act*. For these reasons, I grant an Order of Possession to the landlord effective on December 31, 2018, the effective date on the Two Month Notice.

Conclusion

The tenant's Application is dismissed, without leave to reapply.

I grant an Order of Possession to the landlord effective on **December 31, 2018, after service of this Order** on the tenant. Should the tenant(s) or any occupant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 14, 2018

Residential Tenancy Branch