



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRST SERVICE RESIDENTIAL SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Code CNC LRE FF

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on May 1, 2019 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a One Month Notice to End Tenancy for Cause, dated April 30, 2019 (the "One Month Notice");
- an order setting conditions on the Landlord's right to enter the rental unit; and
- an order granting recovery of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M on June 10, 2019. The line remained open while the phone system was monitored for 10 minutes and the only participants who called into the hearing during this time were the Landlord's agents, S.N. and L.T. Therefore, as the Tenant did not attend the hearing by 11:10 A.M., and the Landlord's agents attended, I dismiss the claim without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to a landlord. Having reviewed the One Month Notice, I find it complied with section 52 of the *Act*. Accordingly, I find the Landlord is entitled to an order of possession. However, during the hearing, S.N. advised that the Tenant provided the Landlord with a letter dated June 1, 2019. In it, the Tenant agreed to vacate the rental unit on June 30, 2019. S.N. noted that it appeared the Tenant was taking steps to pack his belongings. S.N. requested an order of possession to be effective June 30, 2019, at 1:00 P.M.

Pursuant to section 55 of the *Act*, and at the request of S.N., the Landlord is granted an order of possession, which will be effective June 30, 2019, at 1:00 P.M. The order may be filed in 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: June 10, 2019

Residential Tenancy Branch