



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, to cancel a notice to end tenancy for non-payment of rent. The tenant also applied for an order directing the landlord to comply with the *Act*, and for the recovery of the filing fee. Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

As both parties were in attendance, I confirmed service of documents. The landlord stated that he sent his evidence package by registered mail on November 01, 2019, to the address of the rental unit. The tenant denied having received the package. Other than proof of service there was no other documentary evidence uploaded to the tenant's electronic file.

At the start of the hearing the tenant informed me that he was moving out on the date of this hearing and therefore I did not need to use the landlord's evidence in the making of this decision. Since the tenant is moving out his application to cancel the notice to end tenancy is moot and accordingly dismissed.

I grant the landlord an order of possession under section 55 of the *Residential Tenancy Act* effective two days after service on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Since the tenancy is ending the tenant's application for an order directing the landlord to comply with the *Act*, is also moot and accordingly dismissed.

The tenant disputed the notice to end tenancy and subsequently decided to move out. Therefore the tenant must bear the cost of filing his own application.

Conclusion

I grant the landlord an order of possession two days after service on the tenant.

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: November 15, 2019

Residential Tenancy Branch