



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On September 23, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a One Month Notice to End Tenancy for Cause received on September 15, 2019. The Tenant also applied for an order for the Landlord to make repairs; to suspend or set conditions on the Landlords right of entry into the unit and to recover the filing fee for the Application.

The Landlord and Tenant appeared at the hearing.

Preliminary and Procedural Matters

The parties attended an earlier hearing on October 31, 2019. At that time the parties entered into a mutual agreement that the tenancy will end on November 1, 2019. The Arbitrator granted the Landlord an order of possession for the rental unit effective November 1, 2019.

The Tenant testified that she moved out of the rental unit on November 1, 2019.

The Tenant is not seeking to pursue her application to cancel the One Month Notice to End Tenancy for Cause.

Issue to be Decided

- Is the Landlord entitled to an Order of Possession?

The Landlord acknowledged that the Tenant has moved out of the rental unit.

Analysis

The Tenant moved out of the rental unit prior to the hearing. I find that the Tenant complied with the mutual agreement to end tenancy and the tenancy ended on November 1, 2019.

The Tenants' application to cancel the One Month Notice to End Tenancy for Cause is dismissed.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the Landlord already received an order of possession for the rental unit effective November 1, 2019. An order of possession is not granted.

Conclusion

The Tenants' application to cancel the One Month Notice To End Tenancy For Cause received on September 15, 2019 is dismissed.

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 29, 2019

Residential Tenancy Branch