



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FF

Introduction

This hearing dealt with the tenant's application for dispute resolution pursuant to section 47 of the *Residential Tenancy Act*, seeking to cancel a notice to end tenancy issued by the landlord for cause. 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. The parties represented themselves.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that she did not serve the landlord with her evidence. Accordingly, the tenant's evidence was not used in the making of this decision. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

Issues to be decided

Did the landlord serve the tenant with a valid notice to end tenancy? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The background facts are generally undisputed. The tenancy started on February 16, 2020. The monthly rent is \$1,800.00 due in the middle of the month.

On September 10, 2020, the landlord served the tenant with a notice to end tenancy for cause with an effective date of October 15, 2020. The tenant disputed the notice in a timely manner.

During the hearing the tenant informed me that she was in the process of moving out and would hand over possession of the rental unit to the landlord on December 01, 2020. The landlord agreed to extend the tenancy to this date. An order of possession will be granted to the landlord effective this date.

The tenant also agreed to pay rent that was due on October 15, 2020 and agreed to pay rent that will be due on November 15, 2020.

Analysis

Based on the sworn testimony of both parties, I find that the tenant has agreed to move out by 1:00 pm on December 01, 2020. Pursuant to section 55(2), I am issuing a formal order of possession effective by 1:00 pm on December 01, 2020. The order may be filed in the Supreme Court for enforcement.

Since the tenant has not proven her case, she must bear the cost of filing her application.

Conclusion

I grant the landlord an order of possession effective by 1:00 pm on December 01, 2020

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 03, 2020

Residential Tenancy Branch