



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") to cancel the landlord's One Month Notice to End Tenancy for Cause (the "**Notice**") pursuant to section 47.

The tenant did not call in at the start of the hearing. Two of the landlord's agents ("**WW**" and "**EM**") called in on behalf of the landlord. EM advised me that the tenant had told her last week that he had secured a new apartment and would be moving out at the end of the month. She asked if it was necessary to continue with the hearing this were the case or if we needed to conduct a full hearing in order for the landlord to be able to obtain an order of possession.

I advised the landlord's agents that without confirmation from the tenant that he would be moving out at the end of the month, and without his consent to my issuing an order of possession effective January 31, 2021, I would need to conduct a full hearing and consider the merits of the landlord's case before I could issue an order of possession (if I found the circumstances warranted it).

EM stated that the landlord's agents were in the same building as the rental unit and that she could go up to the tenant's unit to see if he could join them on the call. She did this and several minutes later she returned with the tenant. I confirmed the tenant's identity and told him that the landlord's agents had indicated to me that he would be moving out at the end of the month. The tenant confirmed that this was correct and that he had found a new place to live. I asked if he would agree to my issuing an order of possession requiring him to be out of the rental unit by January 31, 2021 at 1:00 pm. I told him that if he agreed to my making this order, and then changed his mind and refused to move out by this date, that the landlord would be able to have him removed.

The tenant stated that he understood this and that he was willing to agree to such an order. The landlord's agents stated that they too would agree to such an order being made. The parties indicated that they understood that this was a final and binding order and that they would agree to abide by it.

As such, and with the consent of the parties, I order that the tenant provide the landlord with vacant possession of the rental unit by January 31, 2021 at 1:00 pm. I have attached an order of possession to this decision. This order is enforceable in the Supreme Court of British Columbia.

I order the landlord to serve a copy of this decision and attached order on the tenant immediately upon receipt.

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: January 21, 2021

Residential Tenancy Branch