



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, CNL, OLC, ERP, RP, RR

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for landlord's use of property and for an order directing the landlord to comply with the *Act*, carry out repairs and reduce rent. Both parties attended the hearing and had opportunity to be heard.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the remedies she has applied for?

Background and Evidence

The tenant stated that in July 1994. On April 29, 2013, the landlord served the tenant with a notice to end tenancy for landlord's use of property. The tenant disputed the notice in a timely manner. At the start of the hearing the tenant informed me that she had moved out but had left some of her belongings behind.

The tenant spoke about the conditions of the rental unit and how they had affected her health. The landlord confirmed his intentions of moving into the rental unit.

Analysis

Since the tenant has no intention of continuing the tenancy, I dismissed her application to cancel the notice to end tenancy. When the tenant's application was dismissed the landlord orally requested an order of possession effective June 30, 2013. Under section 55 of the *Act*, I must grant that request.

I grant and issue the Landlord an order of possession effective June 30, 2013. This order may be enforced in the Supreme Court of British Columbia.

Since the tenancy is ending the remainder of the tenant's application is not relevant and accordingly dismissed.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 pm on June 30, 2013.

The tenant's application 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: June 04, 2013

Residential Tenancy Branch