



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice").

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony and to make submissions. Following introductory remarks the tenant who was the applicant in this hearing stated that he wished to withdraw this application to end a 10 Day notice.

I explained to the tenant that withdrawing this application would conclude the hearing and this matter would be dismissed without leave to re-apply. The tenant stated she understood this and wished to proceed with the withdrawal of her application.

Analysis

Section 55(1) of the *Act* reads in part as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

(a) the landlord's notice to end tenancy complies with section 52..., and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Under these circumstances and in accordance with section 55(1) of the *Act*, I issue a two day Order of Possession to the landlord.

Conclusion

The tenant's application to cancel a 10 Day Notice was withdrawn by the tenant and is therefore dismissed without leave to reapply.

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 13, 2016

Residential Tenancy Branch