



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MNDCT, FFT

Introduction

The Tenant completed an Application for Dispute Resolution (the “Application”) on December 14, 2022, to challenge the Landlord’s service of a 10-Day Notice to End Tenancy for Unpaid Rent (the “10-Day Notice”), and reimbursement of the cost of the Application filing fee.

The Tenant amended their Application on January 18, 2023, adding a claim for compensation for monetary loss. The Tenant removed their challenge of the 10-Day Notice, stating that they moved out from the rental unit on January 13, 2023.

The matter was scheduled as per s. 74(2) of the *Residential Tenancy Act* (the “Act”) for a hearing on April 24, 2023. The Tenant attempted to cancel the hearing in advance; however, because the issue originally concerned a notice to end tenancy this required the Landlord’s consent, and the Landlord did not provide that.

The hearing convened at the scheduled date and time on April 24, 2023. The Tenant and the Landlord both attended. The Landlord reiterated throughout that the Tenant had not moved out from the rental unit, and owed amounts for rent and other monetary loss. The Landlord filed a separate application for monetary compensation, to be heard in the future.

The Tenant stated throughout that they moved out from the rental unit on January 13, 2023. The Tenant also stated that they wished to withdraw their Application for compensation and the Application filing fee. They want to move on from this tenancy because of their experiences. They stated in the hearing the Landlord did not provide proof that they still reside in the rental unit, even though cameras are installed throughout the rental unit property.

Conclusion

I find as fact that the Tenant moved out from the rental unit, as stated on the record, on January 13, 2023. The Landlord did not provide proof that the Tenant remains in the rental unit; however, I grant the Landlord an Order of Possession to acknowledge that the tenancy has ended.

I grant an Order of Possession to the Landlord effective **two days after service of this Order** to the Tenant. The Landlord must serve this Order of Possession on the Tenant. Should the Tenant fail to comply with this Order, the Landlords may file this Order in the Supreme Court of British Columbia, where it may be enforced as an Order of that court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: April 25, 2023

Residential Tenancy Branch