



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MT, DRI, CNR, MNR, OPR

Introduction

This hearing dealt with two applications: 1) from the tenant for more time to apply to cancel a notice to end tenancy, for cancellation of a notice to end tenancy, and to dispute an additional rent increase; 2) from the landlord for an order of possession and a monetary order for unpaid rent. Both parties participated in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the tenant is entitled to more time to apply and to cancellation of a notice to end tenancy itself, and a reduction in the rent
- Whether the landlord is entitled to an order of possession and a monetary order under the *Act*

Background and Evidence

Pursuant to a written residential tenancy agreement the original term of tenancy was from November 1, 2007 to May 1, 2008. Thereafter, tenancy continued on a month-to-month basis. Rent of \$1,220.00 was payable on the first day of each month. At the outset of the tenancy the landlord collected a security deposit in the amount of \$500.00.

The parties reached various agreements whereby the tenant would undertake certain construction in the unit in exchange for a reduction in rent. Additionally, the parties have interacted, but without reaching a consensus, around what would be a proper increase in rent. Further, the landlord advises she wishes either to sell or acquire use of

the rented space for personal use. In this regard the landlord issued a 2 month notice to end tenancy dated October 31, 2008.

Analysis

Pursuant to section 63 of the *Act*, the parties turned their minds to achieving a resolution of the dispute. Specifically, the parties agreed as follows:

- all rent due and payable up to and including October 2008 has been paid;
- the tenant will mail a cheque to the landlord FORTHWITH in the full amount of \$1,910.00 comprised of the balance of rent owing for November (\$690.00) and all of the rent due for December (\$1,220.00);
- an order of possession will be issued, effective on January 31, 2009;
- in concert with the requirements of the *Act* where it concerns issuance of a 2 month notice to end tenancy, the tenant will continue to occupy the current rental space during January 2009 without payment of any rent.

Conclusion

I hereby issue an order of possession in favour of the landlord effective on or before **1:00 pm, January 31, 2009**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$1,910.00**. This order must be served on the tenant and may be filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 1, 2008

Dispute Resolution Officer

