



Dispute Resolution Services

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

Decision

Dispute Codes: CNC, OPC, FF

Introduction

This hearing dealt with the tenant's application for cancellation of a 1 month notice to end tenancy for cause, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony. During the hearing the landlord requested an order of possession in the event the tenant's application fails.

Issues to be Decided

- Whether the tenant is entitled to cancellation of a 1 month notice to end tenancy
- Whether the landlord is entitled to an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of tenancy is from February 1, 2008 to January 31, 2009. In addition to a monthly parking fee of \$30.00, rent in the amount of \$695.00 is currently payable in advance on the first day of each month. A security deposit of \$347.50 was collected at the start of tenancy.

The landlord's wish to terminate the tenancy arises from two matters: first, his concern that the tenant has not maintained "reasonable health, cleanliness and sanitary standards throughout the unit" as required pursuant to section 32 of the *Act*, and second, that the tenant's possession of pet birds contravenes a material term of the tenancy agreement. Accordingly, the landlord served the tenant with a 1 month notice to end tenancy for cause dated December 31, 2008, a copy of which was submitted into evidence.

Analysis

Pursuant to section 63 of the *Act*, during the hearing the parties exchanged proposals and achieved a resolution of the dispute. Specifically, it was agreed as follows:

- that an order of possession will be issued in favour of the landlord to be effective on or before 1:00 pm, Tuesday, March 31, 2009;
- that the tenant will absorb the full cost of his \$50.00 filing fee.

The parties agree that the above terms comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

I hereby issue an order of possession in favour of the landlord effective on or before 1:00 pm, Tuesday, March 31, 2009. Should the tenant fail to comply with the above agreement, this order must be served on the tenant. In the event the tenant fails 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.

DATE: January 28, 2009

Dispute Resolution Officer