



Dispute Resolution Services

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

Decision

Dispute Codes: CNR, CNL, MT, FF

Introduction

This matter dealt with an application by the Tenant for an Order granting him an extension to file an application to cancel a Notice to End Tenancy and also to cancel a Notice to End Tenancy for Unpaid Rent and Utilities and a Notice to End Tenancy for Landlord's Use of Property. The Tenant also applied to recover the filing fee for this proceeding.

The Tenant confirmed that he was not served with a 2 Month Notice to End Tenancy for Landlord's Use and as a result, that part of his application is dismissed. I also note that the Tenant applied to set aside the Notice to End Tenancy for Unpaid Rent and Utilities well within the time limits under the Act and as a result that part of his application is dismissed.

Issue(s) to be Decided

1. Is the Landlord entitled to end the tenancy?
2. Are there rent arrears and if so, how much?

Background and Evidence

This month to month tenancy started on or about November 17, 2008. The Tenant sold the rental property to the Landlord and that was the date the Landlord became entitled to possession of it. The Parties had discussions about the Tenant continuing to reside in the rental property for 2 – 6 months however, the terms were not settled when the deal completed. Part way through the hearing the Parties agreed to settle this matter on the following terms:

1. The Tenant will provide the Landlord within 24 hours of the date of this decision with a cheque in the amount of \$960.00 in payment of November and December, 2008 rent.
2. The Tenant will provide the Landlord within 24 hours of the date of this decision with a cheque in the amount of \$660.00 post-dated for January 1, 2009 in payment of rent for January, 2009.

3. The Parties agree that the tenancy will end on January 31, 2009 and that the Tenant will give the Landlord vacant possession of the rental property on that date, unless the parties come to another agreement in writing before January 31, 2009.

Conclusion

The Notice to End Tenancy for Unpaid Rent and Utilities dated November 24, 2008 is cancelled and the tenancy will continue. I make no award with respect to the filing fee and that part of the Tenant's application is also dismissed.