



Dispute Resolution Services

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

Decision

Dispute Codes:

CNC

Introduction

This Application for Dispute Resolution by the tenant was seeking to cancel a One-Month Notice to End Tenancy for Cause dated January 10, 2009 and purporting to be effective on February 10, 2009. Both parties appeared and gave affirmed testimony in turn.

The One-Month Notice to Notice to End Tenancy for Cause, a copy of which was submitted into evidence, indicated that:

- *the tenant is repeatedly late paying rent*
- the tenant significantly interfered with or unreasonably disturbed another occupant or the landlord, seriously jeopardized the health, safety or lawful right of another occupant or the landlord and put the landlord's property at significant risk
- Rental Unit must be vacated to comply with a government order (stated did not drink or smoke)

Preliminary issues

At the outset of the hearing the issue of the effective date of the notice was discussed. A Notice under section 47 must end the tenancy effective on a date that is: (a) not earlier than one month after the date the notice is received, and; (b) the day before the day in the month, or in the other period on which the

tenancy is based, that rent is payable under the tenancy agreement. Therefore, with a notice dated January 10, 2009, under section 47, the earliest date that the tenancy could end would be February 29, 2009 and the landlord's notice is amended to show this as the effective date.

Evidence

Both parties presented their evidence and after some discussion the parties reached a mutual agreement containing the following terms:

1. The parties agree that the current tenancy agreement will no longer exist as of March 31, 2009.
2. The parties agree that the tenant will pay rent for the month of March 2009 and will refrain from causing any further disturbances
3. At the end of the tenancy, the security deposit will be administered in accordance with section 38 of the Act.

Conclusion

Based on the agreement reached by the parties, I hereby dismiss the tenant's application and issue an Order of Possession in favour of the landlord effective at 1:00 p.m. on Tuesday March 31, 2009. The Order of Possession will be served on the tenant and enforced if necessary pursuant to the above mutually agreed-upon terms.

February 2009

Date of Decision

Dispute Resolution Officer