



Dispute Resolution Services

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

Decision

Dispute Codes: OPC, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession as well as to recover the filing fee for this proceeding.

Issue(s) to be Decided

1. Is the Landlord entitled to end the tenancy?

Background and Evidence

This tenancy started on September 28, 2006. The Landlord served the Tenant with a One Month Notice to End Tenancy for Cause dated November 26, 2008 by posting it on her door. The parties disagree as to what date the notice was posted. The Landlord claimed the Tenant did not dispute the Notice, however, she did not move out on December 31, 2008 which was the effective date of the Notice. The Tenant claimed the Landlord told her on or about December 8, 2008 that he was withdrawing the Notice.

The Parties came to an agreement on the following terms:

1. The tenancy will end on Sunday, February 15, 2009. Tenant will vacate the rental unit on that day no later than 9:00 pm;
2. In exchange for the Tenant moving out, the Landlord waives the payment of rent for February, 2009 in the amount of 650.00 (which to date has not been paid).

Conclusion

The Landlord's application for an Order of Possession and to recover the filing fee for this proceeding are dismissed with leave to re-apply in the event the tenancy does not end pursuant to the agreement set out above