



Dispute Resolution Services

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

Decision

Dispute Codes: MT, CNE, FF, OPE

Introduction

This hearing dealt with an application from the tenant for more time to make an application to cancel a notice to end tenancy, cancellation of the notice itself, 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 that the tenant's application for cancellation of the notice was dismissed.

Issues to be Decided

- Whether the tenant is entitled to more time to make an application to cancel a notice to end tenancy
- Whether the tenant is entitled to cancellation of the notice itself
- Whether the tenant is entitled to recovery of the filing fee
- Whether the landlord is entitled to an order of possession

Background and Evidence

Pursuant to his employment with the landlord, the tenant has been a resident of the subject premises since on or about February 1, 2007. However, as a result of an injury, the tenant has been unable to work for several months. In the result, the parties have undertaken to negotiate a termination of the tenant's employment. Related to this, the landlord requires the premises for use and occupancy of another employee who will take possession of the premises as a condition of employment.

During the hearing the parties exchanged perspectives with a view to resolving the matter of dispute related solely to use and occupancy of the subject premises.

Analysis

Pursuant to section 63 of the Act, the parties achieved a resolution of the dispute related to the subject premises. Specifically, it was agreed as follows:

- that the tenant will vacate the premises by no later than 1:00 p.m., May 31, 2009;
- that pursuant to this agreement, an order of possession will be issued to the landlord;
- that the tenant will advise the landlord as quickly as possible after such time as the tenant finds alternate accommodation;
- that the landlord undertakes to provide, without cost to the tenant, assistance in packing and moving the tenant's possessions from the subject premises to the alternate accommodation;
- that the tenant withdraws his application to recover the filing fee for this application.

Conclusion

Pursuant to the above agreement I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., May 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.

DATE: April 22, 2009

Dispute Resolution Officer