



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC, MNDC, RP, FF

### Introduction

This hearing dealt with the tenant's application to cancel a *1 Month Notice to End Tenancy for Cause*, a Monetary Order for compensation for damage or loss under the Act, regulations or tenancy agreement, an Order requiring the landlord to make repairs to the rental unit and recovery of the filing fee. Both parties appeared at the hearing and had an opportunity to be heard, ask questions of the other party and respond to the other party's submissions.

### Issues(s) to be Decided

1. Whether there are grounds to set aside the Notice to End Tenancy.
2. Compensation to the tenant for damage or loss under the Act, regulations or tenancy agreement, if any.
3. Determine repairs required, if any.
4. Mutually agreeable terms to resolve the dispute between the parties.
5. Award of the filing fee.

### Background and Evidence

Upon hearing undisputed testimony of the parties, I make the following findings concerning the tenancy. The fixed term tenancy commenced January 1, 2009 with an expiry date of October 31, 2009. The tenant is required to pay rent of \$1,800.00 on the 1<sup>st</sup> day of every month. On February 23, 2009 the landlords served the tenant with a *1 Month Notice to End Tenancy for Cause* (the Notice) which the tenant disputed. The Notice has an effective date of March 31, 2009.

At the commencement of the hearing, the landlords requested an Order of Possession if they were successful in establishing the tenancy should end.

After much discussion with respect to the transference of noise between the two rental units in the residential property and the tenant's contact with the former tenant living in the basement unit, a mutual agreement to resolve this dispute was facilitated. I have recorded the terms agreed upon by the parties as follows:

1. The tenancy shall continue until June 30, 2009 at which time the tenancy ends.
2. On or before June 30, 2009 the tenant will vacate the rental unit; however, if the tenant wishes to end the tenancy before June 30, 2009 the tenant will be required to provide the landlord with 15 days of written notice to end the tenancy. The tenant will be responsible for paying rent during the 15 day notice period.
3. The landlord will not rent out the basement unit in the residential property before June 30, 2009; however, the landlord may show the basement rental unit to prospective tenants.
4. The landlord will not engage in any significant construction projects or other similar activities that will likely disturb the tenant during the remainder of his tenancy.
5. The tenant withdraws his request for compensation.

## Analysis

I accept the mutual agreement reached between the parties during the hearing as a fair resolution to this dispute that complies with the requirements of the Act and I make it my order to be binding upon both parties.



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As the parties have resolved their differences and the tenancy is going to end in the near future, I make no finding as to any repairs required at the residential property and I make no Order for the landlord to complete repairs.

In accordance with the terms of the mutual agreement, I make no award for compensation to the tenant, or for recovery of the filing fee.

I provide the landlords with an Order of Possession with an effective date of June 30, 2009. To enforce the Order of Possession, the landlord must serve the Order of Possession upon the tenants and may file it in The Supreme Court of British Columbia to enforce as an Order of that court.

## Conclusion

The tenant's application has been resolved by mutual agreement between the parties as recorded above.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 24, 2009.

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Dispute Resolution Officer