



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, OLC

Introduction

This hearing dealt with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and Orders for the landlord to comply with the Act, regulations or tenancy agreement. Both parties appeared at the hearing and were provided the opportunity to be heard.

At the commencement of the hearing, the landlord requested an Order of Possession.

Issues(s) to be Decided

1. Whether there are grounds to set aside the Notice to End Tenancy.
2. Mutual agreement between the parties.
3. Order of Possession.

Background and Evidence

Upon hearing undisputed testimony of the parties, I make the following findings. The residential property contains four buildings. The tenant has resided on the residential property, in different buildings, over the past several years. For the past year or so, the tenant has resided in the rental unit. The tenant shares the bathroom, kitchen and living rooms with other tenants living in the building. On April 8, 2009 the landlord served the tenant with a *1 Month Notice to End Tenancy for Cause* (the Notice). The Notice has an effective date of May 31, 2009 and indicates the reasons for ending the tenancy are:

- The tenant or a person permitted on the property by the tenant has:
 - Significantly interfered with or unreasonably disturbed another occupant or the landlord, and

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- Seriously jeopardized the health or safety or lawful right of another occupant or the landlord; and,
- The tenant has engaged in illegal activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

During the hearing, much testimony was presented by both parties with respect to the behaviour of the tenant and the tenant's guests. The parties were able to reach a mutual agreement during the hearing that I record as follows:

1. The tenancy shall continue until July 31, 2009 at which time the tenancy will end and the tenant will vacate the rental unit.
2. The tenant shall not have any guests at the residential property during the remainder of the tenancy.

Analysis

In recognition of the mutual agreement reached between the parties, I accept the agreement and make it binding upon each party when they receive a copy of this decision.

The landlord is provided with an Order of Possession effective July 31, 2009.

Should the tenant violate the terms of this agreement by having guests at the residential property, the landlord is at liberty to issue a Notice to End Tenancy for non-compliance with an Order of a Dispute Resolution Officer.



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Conclusion

The tenancy shall end July 31, 2009 by mutual agreement of the parties. The tenant is also prohibited to have guests at the residential property during the remainder of the tenancy.

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: May 27, 2009.

Dispute Resolution Officer