



Dispute Resolution Services

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

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with an application from the tenants for cancellation of a 1 month notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony. The landlord sought an order of possession in the event the tenants' application fails.

Issues to be Decided

- Whether the tenants are entitled to cancellation of the notice to end tenancy
- Whether the landlord is entitled to an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the original term of tenancy was from September 1, 2005 to August 31, 2006. Thereafter, tenancy has continued on a month-to-month basis. Currently, rent in the amount of \$518.50 is payable in advance on the first day of each month, and a security deposit of \$250.00 was collected on September 1, 2005. The tenants are presently up-to-date with payment of rent.

The landlord issued a 1 month notice to end tenancy for cause. In response, the tenants applied to dispute the notice. A copy of the notice dated March 6, 2009 was submitted into evidence. The date shown on the notice by when the tenants must vacate the unit is April 6, 2009. The reason for its issuance is shown on the notice as follows:

Tenant has caused extraordinary damage to the unit / site or property / park

During the hearing the parties undertook to attempt to settle the dispute.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, the parties agreed as follows:

- that the tenants will vacate the unit by no later than 1:00 p.m., May 31, 2009;
- that arising from the above agreement, an order of possession will be issued in favour of the landlord

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 tenants. Should the tenants 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: May 7, 2009

Dispute Resolution Officer