



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 was scheduled to deal with an application from the tenant for cancellation of a notice to end tenancy. The tenant's application arose following issuance by the landlords of a 1 month notice to end tenancy for cause dated February 28, 2009. The date shown on the notice by when the tenant must vacate the unit is March 31, 2009. Reasons shown on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Prior to the hearing date, the tenant submitted a written request for adjournment in order to permit her more time to obtain certain information in support of her application. As a preliminary matter at the outset of the proceedings, the landlords were asked for their response to the tenant's request. As the landlords objected to a further delay in this matter, the parties were asked whether they might attempt to achieve a mediated settlement of the dispute by way of agreement on a date to end the tenancy. The parties agreed to attempt such a mediated settlement. In the result, the parties agreed to an end to tenancy effective not later than 1:00 p.m., June 30, 2009.

Analysis

Pursuant to the above agreement, an order of possession will be issued in favour of the landlord.

In the meantime, the attention of the parties is drawn to the provisions set out in section 56 of the Act which speak to **Application for order ending tenancy early**. In particular, section 56(3) of the Act states:

56(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

The full text of the legislation as well as other information relevant to the landlord – tenant relationship can be accessed via the website:

www.rto.gov.bc.ca/

Conclusion

I hereby issue an order of possession in favour of the landlords effective not later than **1:00 p.m., June 30, 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: May 6, 2009

Dispute Resolution Officer