



# Dispute Resolution Services

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

## **DECISION AND REASONS**

### **Dispute Codes:**

*CNC, MT*

### **Introduction**

This hearing dealt with an application by the tenant pursuant to section 47 of the *Residential Tenancy Act* for an order to cancel the notice to end tenancy for cause. The tenant also applied for more time to make this application, pursuant to section 66.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The landlord was represented by her agent.

### **Issues**

Is the tenant entitled to more time to dispute the notice to end tenancy? Does the landlord have cause to end the tenancy? Or should the notice to end tenancy be set aside?

### **Background and Evidence**

The tenancy started on April 01, 2009. The monthly rent is \$505.00 due on the first of each month. The Notice to End Tenancy for cause dated April 30, 2009, was served on the tenant in person, on May 01, 2009.

The tenant applied for dispute resolution on May 14, 2009. The *Act* specifically provides a ten day time frame in which a party can apply to dispute a Notice to End Tenancy for Cause. In this case the tenant applied 13 days after having received the notice and failed to prove that exceptional circumstances prevented her from doing so in a timely manner.

During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute. The tenant offered to move out

on or before August 01, 2009 and the landlord agreed to allow the tenancy to continue until that date. The landlord also requested for an order of possession.

**Analysis:**

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during or prior to the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The tenant agreed to move out on or before August 01, 2009
2. The landlord agreed to allow the tenancy to continue until August 01, 2009.
3. The parties will exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to the landlord – tenant relationship.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. 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.

**Conclusion**

I grant the landlord an order of possession effective on or before **1:00p.m. on August 01, 2009.**

Dated June 22, 2009.

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Dispute Resolution Officer