



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC, OPC, OPB, RP, FF

Introduction

This hearing was scheduled in response to cross applications.

The Landlord submitted an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Tenant submitted an Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Cause; for an Order requiring the Landlord to make repairs to the rental unit; and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present relevant oral evidence, to ask relevant questions, to call witnesses, and to make submissions to me.

Issue(s) to be Decided

The issues to be decided in relation to the Landlord's Application, is whether the Landlord is entitled to an Order of Possession and to recover the fee paid for filing his Application for Dispute Resolution.

The issues to be decided in relation to the Tenant's Application, is whether the Notice to End Tenancy for Cause served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside and whether the Tenant is entitled to recover the fee paid for filing his Application for Dispute Resolution.

Background and Evidence

The Landlord and the Tenant agree that a 1 Month Notice to End Tenancy for Cause was served on the Tenant indicating that the Tenant was required to vacate the rental

Residential Tenancy Branch
Ministry of Housing and Social Development

unit on June 13, 2009. The reasons stated for the Notice to End Tenancy were that the Tenant has allowed an unreasonable number of occupants in the unit and that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord.

The Landlord and the two witnesses gave significant amount of evidence regarding disturbances that have been caused, primarily by the Tenant's children and/or their friends. The Tenant acknowledges that her son has caused some disruptions in the neighbourhood, although she disagrees on the extent and the nature of the disturbances.

After considerable discussion the parties agreed to resolve this dispute under the following terms and conditions:

- The Tenant and the Landlord mutually agree to end this tenancy at 1:00 p.m. on August 31, 2009,
- The Tenant agrees to have minimal contact with the neighbours and to treat them respectfully for the duration of the tenancy,
- The Tenant agrees to withdraw her Application for Dispute Resolution, and
- The Landlord agrees to withdraw his Application for Dispute Resolution

Conclusion

Based on the Landlord's and the Tenant's mutual agreement to end this tenancy, I hereby grant the Landlord an Order of Possession that is effective at 1:00 p.m. on August 31, 2009. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord and the Tenant are reminded that the Tenant may be liable for any costs associated with failing to vacate the premises by August 31, 2009 if she fails to vacate the rental unit prior to the August 31, 2009 at 1:00 p.m. 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: July 08, 2009.

Dispute Resolution Officer