



Dispute Resolution Services

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

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application from the tenant for cancellation of the landlord's 1 month notice to end tenancy for cause, and recovery of the filing fee. Both parties, in addition to witnesses, participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to cancellation of the 1 month notice and / or recovery of the filing fee

Background and Evidence

There is no copy in evidence of a written residential tenancy agreement for this tenancy which is understood to have begun sometime in May 1987. Currently, rent in the amount of \$852.43 is payable on the first day of the month. The parties have conflicting recollections around whether or not a security deposit of \$325.00 was returned to a former tenant with whom the current tenant previously lived.

The landlord issued a 1 month notice to end tenancy for cause dated May 26, 2009, a copy of which was submitted into evidence. The tenant applied for dispute resolution on June 3, 2009, which was within 10 days after receiving the notice.

The reason shown on the notice for its issuance is 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

The parties submitted documentary evidence which included, but was not limited to, letters supporting the perspective of each party. During the hearing the parties and the witnesses patiently and very respectfully exchanged views on the circumstances surrounding the dispute, and undertook to find a resolution.

Analysis

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

- that the tenant will vacate the unit by no later than September 30, 2009, and that an *order of possession* will be issued in favour of the landlord to that effect;

As both parties made concessions in achieving a mediated resolution of the dispute, I find that the tenant is entitled to recovery of half the \$50.00 filing fee. Accordingly, in this regard I order that the tenant may withhold \$25.00 from the next regular payment of monthly rent.

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., Wednesday, September 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.

Further, I hereby order that the tenant may withhold **\$25.00** from the next regular payment of monthly rent.

DATE: July 16, 2009

Dispute Resolution Officer