



Dispute Resolution Services

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

Decision

Dispute Codes: CNR, OLC, FF

Introduction

This hearing dealt with the tenant's application for cancellation of the landlord's 1 month notice to end tenancy for cause, an order instructing the landlord to comply with the Act, and recovery of the filing fee. Agents for both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to any or all of the above

Background and Evidence

This is the second hearing convened in a dispute between these parties which arises out of mutual concern about a problem with bedbugs. The landlord issued a 1 month notice to end tenancy for cause dated June 30, 2009. The date shown on the notice by when the tenant must vacate the unit is July 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:

put the landlord's property at significant risk

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

The tenant disputed the notice by filing an application for dispute resolution within 10 days after receipt of the notice.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution. This process included a private cell-phone consultation between the tenant and her agent.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, it was agreed as follows:

- that an order of possession will be issued to the landlord effective on or before 1:00 p.m., Wednesday, September 30, 2009;
- that the tenant may withhold \$25.00 from the next regular payment of monthly rent in consideration of agreement to share the cost of the filing fee;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy which are presently before me, for both parties.

Conclusion

Pursuant to all of the above, 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.

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

DATE: August 24, 2009

Dispute Resolution Officer