



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenant's application to dispute a *1 Month Notice to End Tenancy for Cause* (the Notice) and recover the filing fee paid for this application. Both parties appeared at the hearing. The tenant was assisted by an interpreter. Both parties were provided the opportunity to be heard and to respond to the other party's submissions.

I heard the landlord personally served the tenant with a *1 Month Notice to End Tenancy for Cause* on July 27, 2009. Under section 47 of the Act, the tenant had until August 6, 2009 to dispute the Notice but did not file this application until August 10, 2009. The tenant was asked why he filed this application more than 10 days after receiving the Notice to which he replied he did not have the funds to pay the filing fee until August 10, 2009. By the authority provided me under section 66 of the Act, I granted an extension of time to dispute the Notice and proceeded to hear from the parties.

Issues(s) to be Decided

1. Are there grounds to cancel the 1 Month Notice to End Tenancy?
2. Mutual agreement to end tenancy.
3. Award of filing fee.

Background and Evidence

Upon consideration of all the evidence before me, I make the following findings. The tenant has resided in the rental unit for approximately 15 years. The tenant is required to pay rent of \$680.00 on the 1st day of every month. On July 27, 2009 the manager personally served the tenant with a *1 Month Notice to End Tenancy for Cause*. Since receiving the Notice the tenant has not paid rent for August or September 2009.

After hearing testimony from both parties with respect to late payment of rent, broken windows, disturbance of other occupants, and unpaid rent, the parties mutually agreed that the tenancy shall continue until October 8, 2009 – two weeks from today's date – and that the tenant is required to vacate the rental unit no later than October 8, 2009.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

Analysis

In recognition of the mutual agreement reached between the parties during the hearing, I find that this tenancy shall end October 8, 2009 and the landlord is provided an Order of Possession effective October 8, 2009. To enforce the Order of Possession the landlord must serve it upon the tenant and may file it in The Supreme Court of British Columbia to enforce as an Order of that court.

I make no award for recovery of the filing fee.

Conclusion

The tenancy shall end and the tenant must vacate the rental unit no later than October 8, 2009. The landlord is provided an Order of Possession effective October 8, 2009 to serve upon the tenant.

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: September 24, 2009.

Dispute Resolution Officer