



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes:

CNC, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and for the recovery of the fee to file this application. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on June 01, 2003. The rental unit is located in a senior citizens housing society. On June 26, 2009, the landlord served the tenant with a one-month notice to end tenancy for cause.

The reasons for the notice to end tenancy are that the tenant has significantly interfered with or unreasonably disturbed another occupant, adversely affected the quiet enjoyment of another occupant and caused extraordinary damage to the landlord's property. During the hearing the above reasons were discussed at length. The parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

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 the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Specifically, it was agreed that the landlord would withdraw the notice to end tenancy and allow the tenancy to continue. Both parties agreed to the following terms:

1. The tenant agreed to remove all the clutter present in his unit and the porch by September 30, 2009.
2. The tenant agreed to inform the landlord in writing upon completion of the clean up of his unit and porch.
3. The tenant agreed to maintain his unit and porch in a clutter free condition on an ongoing basis.
4. The tenant agreed to allow the maintenance person access to complete the repairs inside the tenant's unit.
5. The tenant agreed to allow the landlord to perform routine inspections of his rental unit.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties

Conclusion

The notice to end tenancy is set aside and the tenancy will continue as per the above terms. The tenant must bear the cost of filing this application.

Dated September 15, 2009.

Dispute Resolution Officer