



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC, FF

### Introduction

This hearing was scheduled to hear the tenants' application to cancel a *1 Month Notice to End Tenancy for Cause* and recover the filing fee from the landlord. Both parties appeared at the hearing and were provided the opportunity to be heard and to respond to the other party's submissions.

### Issues(s) to be Determined

1. Are there grounds to cancel the Notice to End Tenancy?
2. Mutual agreement between parties.
3. Order of Possession.
4. Filing fee.

### Background and Evidence

Upon hearing from both parties, I make the following findings. The tenancy commenced approximately 1.5 years ago. Rent of \$2,050.00 is payable on the 1<sup>st</sup> day of every month. The landlord issued a *1 Month Notice to End Tenancy for Cause* on August 7, 2009. The Notice has an effective date of September 30, 2009 and indicates the reason for ending the tenancy is repeated late payment of rent.

The landlord testified that the tenants have been late paying rent 8 times during an 18 month period. The tenant did not dispute the landlord's submissions concerning late payment of rent and agreed to vacate the rental unit. The tenant proceeded to negotiate for more time to vacate the rental unit.

The parties were able to reach the following agreement during the hearing, which I record as follows:

1. The tenants will pay \$1,275.00 to the landlord no later than October 3, 2009 by way of direct transfer, bank draft or certified cheque. This payment constitutes rent for use and occupancy until October 15, 2009 and a pet deposit of \$250.00.
2. The tenants agree to vacate the rental unit no later than October 15, 2009.
3. The landlord will permit the tenants to occupy the rental unit until October 15, 2009.



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## Analysis

I recognize the mutual agreement reached between the parties, as described above, and make it my order to be binding upon them. The landlord is provided an Order of Possession effective October 15, 2009 to ensure the tenants vacate the rental unit by October 15, 2009.

I make no award for the filing fee paid by the tenants for this application.

## Conclusion

The tenancy has ended and the tenants are permitted to occupy the rental unit until October 15, 2009 in exchange for payment of \$1,275.00 by October 3, 2009. The landlord is provided an Order of Possession effective October 15, 2009.

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: October 02, 2009.

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Dispute Resolution Officer