



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

Both parties were represented at the original and the reconvened hearing. They were provided with the opportunity to submit documentary evidence prior to the original hearing, all of which has been reviewed, to present relevant oral evidence, and to make submissions to me.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside.

Background and Evidence

The Agent for the Landlord and the Tenant agree this tenancy began on September 01, 2009 and that a One Month Notice to End Tenancy for Cause was served on the Tenant on October 30, 2009, which declared that the Tenant was required to vacate the rental unit on, or before, November 30, 2009. The reasons stated for the Notice to End Tenancy were that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord or that the Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health, safety or physical well-being of another occupant or the Landlord.

The Agent for the Landlord stated that the reason for ending this tenancy is wholly related to the smell of cat urine that emanates from the Tenant's apartment into the common hallway. There is an abundance of evidence to show that the odours are disturbing other occupants of the residential complex.

The Agent for the Landlord and the Tenant agree that the parties have been working together to resolve the problem but that the problem still persists. The Agent for the Landlord requested that this hearing be adjourned to allow the parties more time to work

together to seek a solution, which may include having the Tenant find a new home for his cat.

With the consent of both parties, the hearing on November 26, 2009 was adjourned. Prior to the adjournment the Tenant was clearly advised that this tenancy would end if he was not able to eliminate the smell of cat urine that was emanating from his rental unit.

At the reconvened hearing the agent for the Landlord entered into a mutual agreement to end this tenancy on February 28, 2010.

Conclusion

On the basis of the mutual agreement to end this tenancy on February 28, 2010, I hereby grant the Landlord an Order of Possession that will be effective at 1:00 p.m. on February 28, 2010.

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: January 07, 2010.

Dispute Resolution Officer