

Decision

Dispute Codes: CNC, LRE

Introduction

This hearing dealt with an application from the tenant for cancellation of the landlord's 1 month notice to end tenancy for cause, and an order suspending or setting conditions on the landlord's right to enter the rental unit. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either or both of the above under the Act

Background and Evidence

There is no written tenancy agreement in place for this month-to-month tenancy which began on or about September 1, 2009. Rent in the amount of \$450.00 is payable in advance on the first day of each month, and a security deposit of \$225.00 was collected on or about August 30, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated November 2, 2009. A copy of the notice was submitted into evidence. Reasons shown on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

seriously jeopardized the health or safety or lawful right of another
occupant or the landlord

put the landlord's property at significant risk

Tenant has engaged in illegal activity that has, or is likely to:

damage the landlord's property

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

jeopardize a lawful right or interest of another occupant or the landlord

The tenant disputed the landlord's notice by filing an application for dispute resolution on November 3, 2009.

During the hearing the parties undertook to achieve a resolution of the dispute.

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. Specifically, it was agreed as follows:

- that an order of possession will be issued in favour of the landlord to be effective December 31, 2009;
- that the above agreement comprises full and final settlement of all aspects of the dispute arising from this tenancy which are presently before me, for both parties.

In the meantime, for the information of the parties, attention is drawn to the following provisions in the Act.

Section 28: Protection of tenant's right to quiet enjoyment

Section 29: Landlord's right to enter rental unit restricted

The full text of the legislation, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca For convenience, attached is a copy of the above statutory provisions.

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., Thursday, December 31, 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.

DATE: November 26, 2009

Dispute Resolution Officer