

## **Decision**

**Dispute Codes:** CNC

### **Introduction**

This hearing dealt with the tenant's application to cancel the landlords' 1 month notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony.

### **Issue to be decided**

- Whether the tenant is entitled to the above under the Act

### **Background and Evidence**

Pursuant to a written residential tenancy agreement, the fixed term of tenancy is from August 1, 2009 to July 31, 2010. Rent in the amount of \$575.00 is payable on the first day of the month, and a security deposit of \$287.50 was collected on August 1, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated September 15, 2009. The reason shown on the notice for its issuance is as follows:

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

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

The tenant filed to dispute the notice within 10 days following its receipt.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

## **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 the tenant will vacate the unit by no later than December 31, 2009, and that an *order of possession* will be issued to the landlords to that effect;
- that by way of the above agreement, the tenant withdraws his application to cancel the landlord's 1 month notice to end tenancy for cause;
- that the above particulars comprise full and final settlement for both parties of all aspects of the dispute arising from this tenancy, which are currently before me.

## **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlords effective not later than **1:00 p.m., 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 6, 2009

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Dispute Resolution Officer