

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with an application from the tenant for cancellation of the landlord's 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 month-to-month tenancy began on November 1, 2009. Rent in the amount of \$560.00 is payable in advance on the first day of each month. A security deposit of \$280.00 was collected on November 6, 2009.

As a result of various concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated November 30, 2009. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence.

Reasons shown on the notice for its issuance are as follows:

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

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 attempt 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 not later than 1:00 p.m., Sunday, January 31, 2010, and that an order of possession will be issued in favour of the landlord to that effect.

Conclusion

Pursuant to the agreement reached between the parties, as above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Sunday, January 31, 2010**. 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: January 8, 2010

Dispute Resolution Officer