

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 June 3, 2009. Rent in the amount of \$750.00 is payable in advance on the first day of each month. A security deposit of \$375.00 was collected on June 3, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated November 16, 2009. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant has allowed an unreasonable number of occupants in the unit / site

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 effective not later than *1:00 p.m. on Sunday, January 31, 2010*, and that an *order of possession* will be issued in favour of the landlord to that effect;
- that the landlord will attend the unit at approximately *3:00 p.m. on Tuesday, January 5, 2010*, at which time the tenant will *pay the full amount of rent due for the month of January 2010*.
- that the above particulars comprise full and final settlement of the dispute for both parties which arise from this tenancy and which are presently before me.

The attention of the parties is drawn to section 38 of the Act which speaks to **Return of security deposit and pet damage deposit**, and section 39 of the Act which addresses **Landlord may retain deposits if forwarding address not provided**. Further, for the convenience of the parties, enclosed is a copy of Residential Tenancy Policy Guideline # 1, Landlord & Tenant – Responsibility for Residential Premises. The full text of the Act, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website www.rto.gov.bc.ca/

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., 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 4, 2010

Dispute Resolution Officer