

Decision

Dispute Codes: CNR

Introduction

This hearing dealt with an application from the tenant for cancellation of the landlord's 10 day notice to end tenancy for unpaid rent. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

There is no written tenancy agreement in place for this month-to-month tenancy which began early in 2009. Rent in the amount of \$550.00 is payable in advance on the first day of each month. A security deposit of \$225.00 was collected at the outset of tenancy.

Arising from rent which was unpaid when due on December 1, 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent. There is no copy of the notice in evidence before me, however, the parties appear to agree that the notice was dated December 5, 2009. Subsequent to receiving the notice, the tenant has made no payment toward rent and he continues to reside in the unit.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a partial 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 partial resolution. Specifically, it was agreed as follows:

- that the tenant will vacate the unit not later than 1:00 p.m., Monday, January 11, 2010, and that an order of possession will be issued in favour of the landlord to that effect.

Conclusion

Pursuant to all of the above, I hereby dismiss the tenant's application to cancel the landlord's 10 day notice to end tenancy for unpaid rent.

Further, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Monday, January 11, 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 6, 2010

Dispute Resolution Officer