

Decision

Dispute Codes: CNC / CNR, PSF, FF

Introduction

This hearing dealt with an application from the tenant for cancellation of notices to end tenancy for cause / for unpaid rent or utilities, an order instructing the landlord to provide services or facilities required by law, and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy is from October 1, 2009 to September 30, 2010. Rent in the amount of \$1,600.00 is payable in advance on the first day of each month. No security deposit or pet damage deposit was collected.

The tenant withheld payment of full rent due in response to the landlord's delay in providing a garage door opener, and as a result of costs he incurred to have a faulty furnace repaired.

For her part, the landlord issued separate 10 day notices to end tenancy for unpaid rent or utilities dated November 10, 2009, December 3, 2009, January 5, 2010, in addition to a 1 month notice to end tenancy for cause dated December 3, 2009.

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 no later than *1:00 p.m., Wednesday, February 10, 2010*, and that an *order of possession* will be issued in favour of the landlord to that effect;
- that an order instructing the landlord to provide services or facilities required by law is no longer necessary;
- that the tenant withdraws his application for recovery of the filing fee;
- that between them and outside of the hearing, the parties will undertake to resolve any dispute that remains in regard to unpaid rent.

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., Wednesday, February 10, 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 21, 2010

Dispute Resolution Officer