

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and recovery of the filing fee. Both parties appeared at the hearing and were provided the opportunity to be heard and to respond to the other party's submissions. Both parties confirmed receipt of hearing documents.

### Issues(s) to be Decided

1. Is there a basis to cancel the Notice to End Tenancy?
2. Can the parties reach a mutual resolution to this dispute?

### Background and Evidence

I heard undisputed testimony that the tenant has been renting the rental unit for approximately nine years. There is no written tenancy agreement. The rent is currently \$1,450.00 per month. The rental unit includes a basement suite that the tenant rents out. Currently the basement suite is occupied by persons permitted on the property by the tenant (herein referred to as occupants). On February 3, 2010 the landlord served the tenant with a *1 Month Notice to End Tenancy for Cause* with an effective date of March 31, 2010. The tenant disputed the Notice within the time limit imposed by the Act.

Upon hearing from both parties and a witness called by the tenant, the landlord and tenant reached a mutual resolution that:

- the tenancy will continue until April 30, 2010; and,
- by April 30, 2010 the tenant and all other occupants of the rental unit, including the basement suite, will vacate the residential property.

The landlord verbally requested an Order of Possession during the hearing.

### Analysis

I accept the mutual agreement reached between the parties and make it an Order to be binding upon both parties. In recognition of the mutual agreement the tenant is ORDERED to pay rent of \$1,450.00 for the month of April 2010 when due in accordance with the terms of the tenancy agreement and ensure the residential property is vacated and left reasonably clean and undamaged by April 30, 2010.

Provided for the landlord with this decision is an Order to Possession to ensure vacant possession is returned to the landlord by April 30, 2010.

I do not award the filing fee to the tenant.

### Conclusion

This dispute was resolved by mutual agreement to end the tenancy on April 30, 2010. An Order of Possession is provided to the landlord effective April 30, 2010.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 25, 2010.

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Dispute Resolution Officer