

DECISION

Dispute Codes MT CNC

Introduction

This in person hearing convened on May 4, 2010 at 11:00 a.m. and reconvened on May 7, 2010 at 11:00 a.m. and dealt with an Application for Dispute Resolution by the Tenant to request more time to make an application to cancel a notice to end tenancy and to obtain an Order to cancel a notice to end tenancy issued for cause..

Issues(s) to be Decided

Is the Tenant entitled to more time to make her application for dispute resolution and if so is she entitled to an Order to cancel the notice to end tenancy issued for cause, pursuant to sections 66 and 47 of the *Residential Tenancy Act*?

Background and Evidence

The Landlords and the Tenant appeared at the first hearing on May 4, 2010, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form. The Tenant requested that she be given an opportunity to have an Advocate represent her at which time the hearing was adjourned and scheduled to reconvene on May 7, 2010 at 11:00 a.m.

The Landlords, the Tenant, and the Tenant's Advocate appeared at the reconvened hearing where they chose to work towards a settlement agreement in addition to the mutual agreement to end the tenancy which the parties had entered into prior to the hearing.

Analysis

During the course of the hearing, the parties requested to work towards a mutual agreement in accordance with section 63 of the Act, and the parties reached an agreement to settle this matter, on the following conditions:

1. the Tenant withdraws her application for dispute resolution; and
2. the parties confirmed they signed a mutual agreement to end the tenancy effective June 30, 2010 at 1:00 p.m. as per the copies attached to this decision; and
3. the Tenant agrees to pay the Landlord the full sum of \$1,188.00 for May 2010 rent, in the form of a certified cheque or a money order, on or before May 7, 2010 at 4:00 p.m.; and
4. the Tenant agrees to provide the Landlord with a post dated cheque no later than May 7, 2010 at 4:00 p.m., dated for June 1, 2010, in the full sum of \$1,188.00 for June 2010 rent; and
5. the Tenant agrees to have the three cats removed from the rental unit no later than Saturday May 8, 2010, at 5:00 p.m. and the Tenant agrees not to house pets in the rental unit in contravention of the tenancy agreement; and
6. the Tenant understands that the Landlord is entitled to inspect the rental unit, in accordance with the Act, to ensure the Tenant is in compliance with the tenancy agreement; and
7. the Tenant agrees to pay the Landlord the full sum of \$25.00 for the returned cheque fee, in the form of a certified cheque or a money order, pertaining to the May 2010 returned cheque, no later than May 21, 2010 at 4:00 p.m.; and
8. the Landlord will be issued two orders of possession, the first effective upon two days of service to be used in the event the Tenant does not comply with this settlement agreement, and the second order effective June 30, 2010 in accordance with the mutual agreement to end the tenancy.

Conclusion

I HEREBY GRANT the Landlord an order of possession, effective **two days** from service on the Tenant to be served on the Tenant if the Tenant fails to comply with any of the terms of the above mentioned settlement agreement. If the Tenant complies with the settlement agreement, as listed above, then the order of possession effective two days from service on the Tenant becomes void and of no force or effect.

I HEREBY GRANT the Landlord an order of possession effective **June 30, 2010, at 1:00 p.m. after service on the Tenant**, in accordance with the mutual agreement to end tenancy attached to this decision.

If the landlord serves either one of the orders of possession on the Tenant, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: May 07, 2010.

Dispute Resolution Officer