

## **Decision**

**Dispute Codes:** MT, CNC, MNDC, FF

### **Introduction**

This hearing dealt with an application by the tenant for more time to make an application to cancel a notice to end tenancy, cancellation of a notice to end tenancy, a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement, 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 of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on March 1, 2007. Rent in the amount of \$595.00 is payable in advance on the second day of each month. A security deposit of \$300.00 was collected on or about March 1, 2007.

Arising from several occasions when rent was paid late, the landlords issued a 1 month notice to end tenancy for cause dated March 31, 2010. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. Rent has currently been paid up to the end of May 2010, and the tenant testified that her intention is to make timely payment of rent for June 2010.

The tenant's application for dispute resolution was made on April 15, 2010, which is outside the 10 day period available for disputing the notice to end tenancy after her receipt of the notice.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

## **Analysis**

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

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., August 31, 2010, and that an order of possession will be issued in favour of the landlords to that effect;
- that the tenant will withhold \$50.00 from the next regular payment of monthly rent as the means for recovering the filing fee;
- that the tenant will make on-time payment of rent for each of the months remaining in the tenancy;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy which are currently before me.

As the end of tenancy nears, attention is drawn to the following sections of the Act:

Section 35 - Condition Inspection: end of tenancy

Section 37 - Leaving the rental unit at the end of a tenancy

Section 38 - Return of security deposit and pet damage deposit

## **Conclusion**

Pursuant to the above, I hereby issue an **order of possession** in favour of the landlords effective not later than **1:00 p.m., Tuesday, August 31, 2010**. This order must be served on the tenant. Should the tenant fail to comply, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to the agreement reached between the parties during the hearing, I hereby order that the tenant may withhold **\$50.00** from the next regular payment of monthly rent in order to recover the filing fee.

**DATE: June 2, 2010**

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Dispute Resolution Officer