

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for cancellation of a notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

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

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the month-to-month tenancy began on or about June 1, 1995. Currently, rent in the amount of \$679.00 is payable in advance on the first day of each month. A security deposit of \$300.00 was collected at the outset of tenancy.

Arising from miscellaneous concerns related to the tenancy, the landlord(s) issued a 1 month notice to end tenancy for cause dated May 23, 2010. While a copy of the notice is not in evidence, the tenant's legal counsel testified that reasons shown on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

- damage the landlord's property

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute, and persevered in attempting 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/

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 not later than **1:00 P.M., Tuesday, November 30, 2010**, and that an **order of possession** will be issued in favour of the landlord(s) to that effect;
- that, in the meantime, the tenancy continues in full force and effect.

Conclusion

Pursuant to the agreement reached between the parties during the hearing, I hereby issue an order of possession in favour of the landlord(s) effective not later than **1:00 P.M., Tuesday, November 30, 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: June 10, 2010

Dispute Resolution Officer