

Decision

Dispute Codes: CNL, FF

Introduction

This hearing dealt with an application by the tenant for cancellation of a 2 month notice to end tenancy for landlord's use of property, and recovery of the filing fee. Both parties, including witnesses, participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either or both of the above under the Act

Background and Evidence

The month-to-month tenancy in the subject unit began approximately 17 years ago, and the tenant's occupancy of the unit has been associated with a variation of an employer – employee relationship with the landlord.

The landlord issued a 2 month notice to end tenancy for landlord's use of property dated April 30, 2010. A copy of the notice was submitted into evidence. The date shown by when the tenant must vacate the unit is June 30, 2010. The reason shown for issuance of the notice is that the landlord intends to "demolish" the unit. During the hearing, the landlord testified that the intention is to construct a daycare on the site currently occupied by the unit. The tenant expressed her misgivings about these intentions and referred to difficulties in the relationship that have come up from time-to-time in the past.

During the hearing the parties respectfully 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/

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., Saturday, July 17, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the landlord will pay the tenant \$25.00, which is one half of her filing fee;
- that the above payment will be made by way of either cheque or cash and be delivered to the tenant's mail box by no later than midnight, Friday, June 18, 2010;
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy which are presently before me, for both parties;
- that the full and final settlement includes an undertaking by the tenant not to dispute the issuance of the order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., Saturday, July 17, 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.

Pursuant to the agreement reached between the parties during the hearing, I hereby order the landlord to pay the tenant \$25.00, according to the terms set out above.

DATE: June 18, 2010

Dispute Resolution Officer