

DECISION

Dispute Codes: CNR and FF

Introduction

By application of June 10, 2010, the tenants seek to have set aside a Notice to End Tenancy dated June 9, 2010 and recovery of the filing fee for this proceeding.

Issues to be Decided

This application requires a decision on whether the Notice to End Tenancy of May 11, 2010 should be upheld or set aside.

Background and Evidence

This tenancy began on June 1, 1997. Rent is \$700 per month and the landlord holds a security deposit of \$312.50 paid on May 29, 1997.

During the hearing, the landlord's agent submitted evidence that the Notice to End Tenancy had been served after the tenants had incurred a rent shortfall of \$600 in January 2010 and that had increased by \$50 in each of May and June of 2010.

The tenant submitted no evidence in proof of payment of the claimed rent shortfalls, and the arrears was not paid within five days of receipt of the Notice to End Tenancy which would have extinguished it under section 46(4) of the *Act*.

Consent Agreement

Following discussion of the potential outcomes of the proceedings, the parties arrived at a mutual agreement to end the tenancy on August 31, 2010 and that the agreement be supported with an Order of Possession.

As the dispute arose from unpaid rent, the tenants remain responsible for their own filing fee.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession effective at 1 p.m. on August 31, 2010.

July 27, 2010