

## **Decision**

**Dispute Codes:** CNC, FF

### **Introduction**

This hearing dealt with an application by the tenant for cancellation of a 1 month notice to end tenancy for cause, and recovery of the filing fee. During the hearing the landlord's agent confirmed that the landlord seeks an order of possession, in the event the tenant's application does not succeed. Both parties either participated or were represented in the hearing and gave affirmed testimony.

### **Issues to be decided**

- Whether either party is entitled to any of the above under the Act

### **Background and Evidence**

The most recent written tenancy agreement in evidence concerns the period from January 1 to December 31, 2008. Thereafter, tenancy has continued on a month-to-month basis. Currently, rent (\$1,290.00), parking (\$30.00) and bike storage (\$5.00) in the combined total amount of \$1,325.00 is payable in advance on the first day of each month.

The landlord issued a 1 month notice to end tenancy for cause dated June 15, 2010. A copy of the notice was submitted into evidence. The date shown on the notice by when the tenant must vacate the unit is July 31, 2010. The reason shown on the notice for its issuance is 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

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 not later than 1:00 p.m., Saturday, September 4, 2010, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenant will be responsible for paying pro-rated rent for the period from September 1 to 4, 2010 in the amount of \$176.68, calculated as follows:

$$\$1,325.00 \div 30 = \$44.17$$

$$\$44.17 \times 4 = \underline{\$176.68}$$

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., Saturday, September 4, 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.

The tenant's application to recover the filing fee is hereby dismissed.

DATE: August 17, 2010

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Dispute Resolution Officer