

Decision

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for cancellation of a 1 month 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, the tenancy began on November 1, 2008. Rent in the amount of \$650.00 is payable in advance on the first day of each month. A security deposit of \$325.00 was collected at the outset of tenancy.

Arising from various concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated July 28, 2010. The notice was served in-person on the tenant on that same date. A copy of the notice was submitted into evidence.

Subsequently, the tenant applied to dispute the notice by filing an application for dispute resolution on August 9, 2010.

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/

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 October 31, 2010, and that an order of possession will be issued in favour of the landlord to that effect.

In the meantime, the parties are informed of the provisions set out in section 56 of the Act which speaks to **Application for order ending tenancy early**. In part, this section of the Act reads as follows:

56(2) The director may make an order specifying an earlier date on which a tenancy ends and the effective date of the order of possession only if satisfied, in the case of a landlord's application,

- (a) the tenant or a person permitted on the residential property by the tenant has done any of the following:
 - (i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property;
 - (ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant;
 - (iii) put the landlord's property at significant risk;
- (b) it would be unreasonable, or unfair to the landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 [*landlord's notice: cause*] to take effect.

(3) If an order is made under this section, it is unnecessary for the landlord to give the tenant a notice to end the tenancy.

Conclusion

Pursuant to the agreement reached between the parties during the hearing, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Sunday, October 31, 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: September 1, 2010

Dispute Resolution Officer