

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. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on November 2, 2009. Rent in the amount of \$1,500.00 is payable in advance on the first day of each month. A security deposit of \$750.00 was collected at the outset of tenancy.

The landlord issued a 1 month notice to end tenancy for cause dated July 31, 2010. The tenant filed an application to dispute the notice on August 6, 2010. A copy of the notice was submitted into evidence. Reasons shown on the notice for its issuance are as follows:

Tenant is repeatedly late paying rent

Tenant has allowed an unreasonable number of occupants in the unit

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 no later than 1:00 p.m., Tuesday, November 30, 2010, and that an order of possession will be issued in favour of the landlord to that effect.

As the parties reached agreement between them to resolve this matter, I find that the tenant is entitled to recover half the filing fee in the amount of \$25.00. In this regard, I order that the tenant may withhold \$25.00 from the next regular payment of monthly rent.

Conclusion

Pursuant to the above, I hereby issue an order of possession in favour of the landlord 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.

I hereby order that the tenant may withhold \$25.00 from the next regular payment of monthly rent, as the means of recovering half the filing fee.

DATE: September 28, 2010

Dispute Resolution Officer