

Decision

Dispute Codes: CNL

Introduction

This hearing dealt with an application by the tenant for cancellation of a notice to end tenancy. 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

There is no written tenancy agreement in evidence for this month-to-month tenancy which began on or about July 1, 2010. Rent in the amount of \$500.00 is payable in advance on the first day of each month. A security deposit of \$250.00 was collected at the outset of tenancy.

Arising from miscellaneous concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated September 1, 2010, a copy of which is in evidence. The tenant stated that while an earlier notice was issued by the landlord, it was comprised of a combination of pages from a 2 month notice to end tenancy for landlord's use of property, and a 1 month notice to end tenancy for cause.

Following issuance of the first "irregular" notice, the tenant filed his application for dispute resolution, in which he sought to have the notice set aside. It was subsequent to the tenant's filing that the landlord issued the "proper" notice which is in evidence.

During the hearing the parties undertook to achieve a resolution of the dispute.

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 1:00 p.m., Sunday, October 31, 2010, and that an order of possession will be issued in favour of the landlord to that effect.

Conclusion

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: October 5, 2010

Dispute Resolution Officer