



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNR, CNC, MT

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, for more time to apply and to cancel a 1 Month Notice ending tenancy for cause.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony evidence and to make submissions during the hearing.

Preliminary Matter

The tenant did not dispute a Notice issued for cause; only a 10 Day Notice for unpaid rent was issued by the landlord and submitted as evidence. The tenant's application was submitted within 5 days of service of the Notice ending tenancy; therefore, she did not require more time in which to apply to cancel the Notice.

Issue(s) to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent issued on December 18, 2010, be cancelled?

Background and Evidence

The tenancy commenced in June 2010; rent was \$700.00 due on the first day of each month. The female tenant has applied to cancel a 10 Day Notice ending tenancy for unpaid rent issued on December 18, 2010; a male co-tenant has vacated the unit but has not been removed from the tenancy.

There is no written tenancy agreement.

Mutually Settled Agreement

During the hearing the parties came to the following mutual agreement:

- The tenant will provide the landlord with possession of the rental unit no later than January 24, 2011, at 1 p.m.;
- The landlord will be provided with an Order of possession effective January 24, 2011, at 1 p.m.; and
- The tenant may leave any and all of the male co-tenant's belongings in the rental unit and the landlord will deal with those items, as provided by the Act and Residential Tenancy Branch Regulation.

Conclusion

The parties reached a mutually settled agreement whereby the tenant will vacate the rental unit no later than January 24, 2011, at 1 p.m.

By mutual agreement the landlord has been granted an Order of possession that is effective **January 24, 2011, at 1 p.m.** This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) and 63 of the *Residential Tenancy Act*.

Dated: January 17, 2011.

Residential Tenancy Branch