

Decision

Dispute Codes: CNR, OPR

Introduction

This hearing dealt with the tenant's application for cancellation of a 10 day notice to end tenancy for unpaid rent or utilities. Both parties participated in the hearing and gave affirmed testimony.

During the hearing the landlord confirmed his wish to obtain an order of possession which requires both tenants named on the 10 day notice to vacate the unit.

Issues to be decided

- Whether either party 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 in early February 2009. Monthly rent is \$650.00 and a security deposit of \$325.00 was collected.

Arising from rent which was unpaid when due on February 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 2, 2011. The tenant states that the notice was posted on the unit door on February 4, 2011. The tenant states that he then attempted, but without success, to meet the landlord later that same day in order to pay some rent. The tenant states that at that time he had only a portion of the rent with him in the limited amount of \$550.00. Thereafter, the tenant filed an application to dispute the notice on February 7, 2011, and he says that today he no longer has any money to pay the landlord for February's rent.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve at least a partial resolution.

Analysis

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 tenants will vacate the unit by not later than 1:00 p.m., Friday, February 25, 2011, and that an order of possession will be issued in favour of the landlord to that effect.

As discussed during the hearing, the parties are encouraged to complete a move-out condition inspection and report at the end of tenancy. Further, the parties understand that the landlord has the option of filing an application for permission to retain the security deposit, in addition to a monetary order for any unpaid rent and / or costs incurred for cleaning and repairs that may be required in the unit.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., Friday, February 25, 2011. This order must be served on the tenants. Should the tenants 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.

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

DATE: February 17, 2011

Residential Tenancy Branch