

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with the tenant's application to cancel a 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

There is no written tenancy agreement in evidence for this tenancy which began on July 1, 2010. Monthly rent is \$640.00, and a security deposit of \$320.00 was collected.

Arising from a variety of concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated January 31, 2011. The notice was served in person on the tenant on February 5, 2011. The tenant filed an application to dispute the notice on February 11, 2011. A copy of the notice was submitted into evidence.

Reasons shown on the notice for its issuance are as follows:

Tenant has allowed an unreasonable number of occupants in the unit

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

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 tenants will vacate the unit by not later than 1:00 p.m., Saturday, April 30, 2011, and that an order of possession will be issued in favour of the landlord to that effect.

As the tenant's application has not led to cancellation of the notice to end tenancy, the application to recover the filing fee is hereby dismissed.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., Saturday, April 30, 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 23, 2011

Residential Tenancy Branch