

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with the tenant's application for cancellation of 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 either of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on October 1, 2008. Monthly rent is currently \$900.00, and a security deposit of \$475.00 was collected on September 11, 2008.

Arising from a number of concerns related to the tenancy, the landlords issued a 1 month notice to end tenancy for cause dated February 11, 2011. A copy of the notice was submitted into evidence. Reasons shown on the notice for its issuance are as follows:

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

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of 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
- jeopardize a lawful right or interest of another occupant or the landlord

Subsequently, the tenant filed to dispute the notice on February 16, 2011.

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., Saturday, April 30, 2011, and that an order of possession will be issued in favour of the landlords to that effect;
- that the tenant withdraws her application to recover the \$50.00 filing fee;
- that the tenant will inform the landlords by telephone this week, when her cheque for payment of March rent is available for them to pick up from her mailbox.

As the end of tenancy nears, the attention of the parties is drawn to section 35 of the Act which addresses **Condition inspection: end of tenancy**, as well as section 37 which speaks to **Leaving the rental unit at the end of a tenancy**, and finally, section 38 which addresses **Return of security deposit and pet damage deposit**.

Conclusion

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

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 28, 2011

Residential Tenancy Branch