

## **Decision**

**Dispute Codes:** MT, CNC

### **Introduction**

This hearing dealt with the tenant's application for more time to make an application to cancel a notice to end tenancy, and cancellation of a notice to end tenancy for cause. 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**

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on April 1, 2006. Monthly rent is currently \$598.56, and a security deposit of \$310.00 was collected at the outset of tenancy.

Arising from miscellaneous concerns related to the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated January 13, 2011. The notice was served in person on the tenant on that same date. 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
- put the landlord's property at significant risk

Subsequently, the tenant undertook to dispute the notice by filing an application for dispute resolution on January 25, 2011, which is outside the 10 day period permitted for disputing the notice after the date when the notice was received.

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/](http://www.rto.gov.bc.ca/)

The attention of the parties is drawn to the specific sections of the Act, as follows:

Section 47: **Landlord's notice: cause**

Section 66: **Director's orders: changing time limits**

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 March 31, 2011, and that an order of possession will be issued in favour of the landlord to that effect.

### **Conclusion**

Pursuant to the agreement reached between the parties during the hearing, I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Thursday, March 31, 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 9, 2011

---

Residential Tenancy Branch