



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy issued for cause.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, served personally to the Landlord. The Landlord confirmed receipt of the hearing documents.

Both the landlord and tenant appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

### Issue(s) to be Decided

1. Has the 1 Month Notice to End Tenancy been issued and served to the Tenant in accordance with the *Act*?
2. If so, has the Landlord met the burden of proof to end this tenancy for repeated late payment of rent?
3. If not, has the Tenant met the burden of proof to have the 1 Month Notice to End Tenancy set aside and reinstate the tenancy?

### Background and Evidence

The parties entered into a written month to month tenancy agreement effective August 1, 2010. Rent is payable on the first of each month in the amount of \$690.00. The Tenant paid \$645.00 on July 25, 2010 as the security deposit.

During the course of the hearing the parties agreed to settle this matter.

Analysis

The parties agreed to settle this matter on the following terms:

- 1) The Tenant agrees to withdraw his application in full; and
- 2) The parties agree to mutually end this tenancy effective March 31, 2011 at 1:00 p.m.; and
- 3) The Tenant agrees to pay his March 1, 2011 rent in full and on time; and
- 4) In support of this mutual agreement the Landlord will be issued an Order of Possession.

Conclusion

The Landlord's decision will be accompanied by an Order of Possession effective **March 31, 2011, at 1:00 p.m.** after service upon the Tenant. This Order must be served upon the Tenant and may be filed in Supreme Court 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*.

Dated: February 22, 2011.

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Residential Tenancy Branch