

Decision

Dispute Codes: MT, CNC, FF

Introduction

This hearing dealt with the tenant's application for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy / 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 any or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on February 1, 2009. Monthly rent is \$650.00, and a security deposit of \$325.00 was collected on January 20, 2009. A move-in condition inspection and report were completed, however, while the copy submitted into evidence bears the signatures of the parties, it bears no date.

Arising from various concerns about the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated February 23, 2011. The notice was served by way of posting on the tenant's door 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 is repeatedly late paying rent

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

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

The tenant filed an application to dispute the notice on February 24, 2011.

During the hearing the parties undertook to achieve a resolution of the dispute.

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 tenant will vacate the unit by not later than 1:00 p.m., Tuesday, May 31, 2011, and that an order of possession will be issued in favour of the landlord to that effect.

As the parties achieved a settlement of the dispute, neither was required to prove their case. In the result, I find that the tenant has established entitlement to recover \$25.00 which is half the filing fee. Accordingly, I hereby order that the tenant may withhold that amount from the next regular payment of monthly rent.

Conclusion

I hereby issue an order of possession in favour of the landlord effective **1:00 p.m., Tuesday, May 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.

I hereby order that the tenant may withhold \$25.00 from the next regular payment of monthly rent in order to recover half the filing fee.

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: March 9, 2011

Residential Tenancy Branch