



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      CNL, FF

### Introduction

This conference call hearing was convened in response to the tenant's application for cancellation of a 2 Month Notice to End Tenancy and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the tenant entitled to cancellation of the 2 Month Notice to End tenancy?

Is the tenant entitled to recover the filing fee?

### Background and Evidence

The rental unit consists of a basement suite in a single detached home.

Pursuant to a non-written agreement, the month to month tenancy started in January 2010 and the rent was \$700.

During the hearing the parties exchanged views on some of the circumstances surrounding this dispute. The landlord testified that she plans on using the basement to further her business.

She stated that she needs one bedroom for the business where she will install equipment such as a massage table, the other bedroom for visiting relatives, and that she intends to hold classes in the future.

The tenant testified that the landlord never mentioned such plans in the past. She stated that she is willing to leave, and requested a move out date of July 31<sup>st</sup>, 2011. The landlord stated that a similar tentative agreement failed in the past and expressed concerns with the tenant's commitment to leave on that date.

### Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenancy will end no later July 31<sup>st</sup>, 2011.
- The landlord is granted an Order of Possession effective July 31<sup>st</sup>, 2011.
- The tenant is bound to any term of the tenancy, including rent until the tenant moves out of the unit.

### Conclusion

I hereby issue the landlord an order of possession effective no later than 1:00P.M., July 31<sup>st</sup>, 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 Canada 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: April 18, 2011.

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Residential Tenancy Branch