



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** CNC

### **Introduction**

This hearing dealt with the tenant's application for cancellation of a 1 month notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony.

### **Issue to be decided**

- Whether the tenant is entitled to the above under the Act

### **Background and Evidence**

The month-to-month tenancy began on January 26, 2010. Monthly rent is \$360.00, and a security deposit of \$180.00 was collected.

For "health reasons" and as a result of the landlord's concerns about "fire hazard," the landlord issued a 1 month notice to end tenancy for cause dated March 10, 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:

- seriously jeopardized the health or safety of another occupant or the landlord
- put the landlord's property at significant risk

The landlord takes the position that the tenant gathers many more belongings in the room than can safely be accumulated. The tenant claims that the room is simply too small. 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/](http://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 undertake immediately to clean the unit and to remove excessive belongings from the unit;
- 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.

Should the landlord determine that the fire and health concerns have not immediately been addressed, pursuant to section 56 of the Act he has the option to make application for an order ending tenancy early. Further, however, the landlord also has the option to reconsider whether enforcement of the order of possession will ultimately be necessary.

### **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than 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.

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: April 12, 2011

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Residential Tenancy Branch