



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with the tenant's application for 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 the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the fixed term of tenancy is from July 1, 2010 to June 30, 2011. Monthly rent is \$1,180.00.

Arising from repeated complaints from other tenants about the sound of loud music coming from the tenant's unit, the landlord issued a 1 month notice to end tenancy for cause dated March 14, 2011. A copy of the notice is not in evidence, however, the tenant acknowledged its receipt by way of delivery beneath the unit door on that same date. On March 17, 2011 the tenant filed an application to dispute the notice.

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/ In particular, section 47 of the Act speaks to **Landlord's notice: cause**, and section 63 of the Act addresses the **Opportunity to settle dispute**.

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing, and pursuant to this provision the parties reached the following agreement between them during the hearing:

- 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.

Arising from the above agreement, as neither party was required to bear the burden of proving their case, I find that the tenant has established entitlement to recovery of half the filing fee which is \$25.00 ($\$50.00 \div 2$). I order that the tenant may withhold this 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 order that the tenant may withhold **\$25.00** from the next regular payment of monthly rent.

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 8, 2011

Residential Tenancy Branch