

DECISION

Dispute Codes: CNC

Introduction

This application was brought by the tenants on May 31, 2011 seeking to have set aside a one-month Notice to End Tenancy for cause dated May 19, 2011 and setting an end of tenancy date of June 30, 2011. The tenants also sought to recovery the filing fee for this proceeding.

Issues to be Decided

This application requires a decision on whether the Notice to End Tenancy should be set aside or upheld.

Background and Evidence

This tenancy began in November of 1983. Rent is currently \$1,395 based on a consent agreement recorded in a hearing in which the tenants would pay an additional \$220 per month in compensation for a rent relief granted to the neighbouring tenant based on the landlord's failure to adequately address disturbances in the subject rental unit.

The rental unit is in a duplex formerly owned by the male tenant's parents and currently owned by his brother.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served following two new complaints regarding disturbances in the rental unit on May 5 and May 14, 2011. While the tenants contested the magnitude of those disturbances, they conceded that it would be in the best interest of all concerned that the tenancy end.

Consent Agreement

After considerable discussion as to dates, the parties arrived at the following consent agreement:

1. The landlord will be issued an Order of Possession with an effective date of July 31, 2011;
2. The tenants make promise that there will be no further disturbances for the duration of the tenancy;
3. If there are no further disturbances reported in the interim, the landlord makes promise that she will not enforce the Order of Possession until a time that would end the tenancy no later August 31, 2011. If there are further disturbances, the landlord retains the right to enforce the Order of Possession for the effective date.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on July 31, 2011.

June 21, 2011