



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This matter dealt with an application by the Tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 8, 2011.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This month-to-month tenancy started on October 15, 2010. Rent is \$900.00 per month payable in advance on the 1st day of each calendar month plus utilities. On September 8, 2011, the Landlord served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 8, 2011.

At the beginning of the hearing, the Tenant admitted that he had significant rent arrears and conceded that he was not in a position to satisfy them. Consequently, the Tenant said on October 4, 2011, he gave the Landlord written notice that he would be vacating the rental unit on October 8, 2011.

Analysis

Section 63(2) of the Act says that if the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order. To that end, I find that the Parties have agreed that the tenancy will end on October 8, 2011 and that as a means to enforce that agreement, the Landlord will receive an Order of Possession to take effect on October 8, 2011 at 1:00 p.m. pursuant to s. 55(2)(d) of the Act.

Conclusion

The Tenant's application is dismissed without leave to reapply. An Order of Possession to take effect on October 8, 2011 at 1:00 p.m. has been issued to the Landlord. A copy of the Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

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: October 05, 2011.

Residential Tenancy Branch