

## **Decision**

**Dispute Codes:** OPC

### **Introduction**

This hearing was convened in response to the landlord's application for an order of possession for cause. Both parties participated in the hearing and gave affirmed testimony.

### **Issue to be decided**

- Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on August 1, 2011. Monthly rent of \$550.00 is payable in advance on the first day of each month, and a security deposit of \$275.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated October 24, 2011. The notice was served in person on the tenant on that same date. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

While the tenant claimed she filed an application to dispute the notice, within the 10 day period available to her for doing so after being served, there is no evidence of any such filing before me. Further, the landlord testified that she had not been served with any documentation whatsoever from the tenant.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

### **Analysis**

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 vacate the unit by not later than 1:00 p.m., Thursday, December 15, 2011, and that an order of possession will be issued in favour of the landlord to that effect.

### **Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Thursday, December 15, 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: November 28, 2011

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Residential Tenancy Branch