



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, DRI, CNC

Introduction

This hearing concerned the tenant's application for more time to make an application to cancel a notice to end tenancy / to dispute an additional rent increase / and for cancellation of a notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The tenant filed a previous application for cancellation of a notice to end tenancy for cause; a decision was issued by date of January 10, 2012 (file # 785392). In short, it was found that the tenant was not properly served with a notice to end tenancy, the tenant's application was upheld, and the tenancy continued in full force and effect.

There is no written tenancy agreement in evidence for this tenancy which the parties agree began approximately 3 years ago. Monthly rent is \$420.00.

Subsequent to the previous hearing, as above, the landlord issued a 1 month to end tenancy for cause dated January 12, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. The landlord has identified 6 different reasons on the notice in support of its issuance.

As the tenant's application for dispute resolution was filed on January 25, 2012, which is the 10th and final day available for disputing the notice, there is no requirement that the tenant apply for more time to make an application to cancel a notice to end tenancy.

In regard to disputing an additional rent increase, the tenant testified that this was not a matter of genuine concern to him and that he has insufficient documentation to support this aspect of his application.

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

Analysis

As noted above, the tenant's application for more time to make an application to cancel a notice to end tenancy is not required and it is, therefore, hereby dismissed.

Following from the tenant's testimony in relation to disputing an additional rent increase, as set out above, this aspect of the tenant's application is hereby dismissed.

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 of the remaining aspect of the tenant's application. Specifically, it was agreed as follows:

- that the tenant will vacate the unit by not later than Saturday, March 31, 2012, 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., Saturday, March 31, 2012**. 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*.

Dated: February 14, 2012.

Residential Tenancy Branch