



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC / OPC

### Introduction

This hearing was scheduled in response to the tenant's application to cancel a notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony. During the hearing the landlord orally requested an order of possession in the event the tenant's application to have the notice set aside does not succeed.

### Issue(s) to be Decided

Whether either party is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

As noted in a previous decision dated June 17, 2010 in a similar dispute between these same parties (file # 752523), the subject tenancy began on December 1, 2009, and the unit is located within a building which provides subsidized housing to persons over age 55 years. Pursuant to a written tenancy agreement, this is a month-to-month tenancy.

The landlord issued a 1 month notice to end tenancy for cause dated February 10, 2012. The notice was served in person on the tenant on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is March 31, 2012. Reasons shown on the notice for its issuance are 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

seriously jeopardized the health or safety or lawful right of another occupant or the landlord

put the landlord's property at significant risk

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

The tenant filed an application to dispute the notice on February 13, 2012.

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

### 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](http://www.rto.gov.bc.ca)

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties led to a resolution. Specifically, it was agreed as follows:

### RECORD OF SETTLEMENT

- that the tenant will vacate the unit no later than 1:00 p.m., Tuesday, July 31, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that for any matters directly or indirectly related to the tenancy, the tenant will deal directly and exclusively with "JB" (the landlord's agent with an office located in the building);
- that rather than simply dropping by the office, the tenant will make appointments in advance for meetings with "JB," and that these appointments will be made by way of telephone, fax or message left in the mail slot at "JB's" office;
- that "JB" will provide the tenant with a list of resources related to potential accommodation; this list will be provided as soon as possible but no later than Tuesday, April 10, 2012. It is understood that this list is not an exhaustive list of resources, and that the tenant is also expected to pursue his search for suitable alternate accommodation through other resources in the community;

- that "AU" will provide the tenant with a general letter of reference for use in his search for alternate accommodation. This letter will be made available to the tenant as soon as possible but no later than Tuesday, April 10, 2012;
- that the above particulars comprise full and final settlement of all issues in dispute which arise from this tenancy and which are currently before me.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Tuesday, July 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: March 16, 2012.

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Residential Tenancy Branch