



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, FF

Introduction

This conference call hearing was convened in response to the tenant's application for cancellation of a 1 Month Notice to End Tenancy for Cause; to order the landlord to comply with the Act, regulation, or tenancy agreement; and to recover the filing fees associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Should the notice be set aside, and should the tenancy continue?

Is the tenant entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a basement suite in a single detached home. The tenancy started in June 2009 and the rent is \$575.00 per month.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute. The tenant seemed fixed on the notion to dispute a 2 month notice to end tenancy for landlord's use and insisted on the application of the law in that respect, and accused the landlord of failing to comply with the Act.

The tenant also voiced his disagreement with the landlord's 1 month notice and stated that nevertheless, he did not want to stay in the unit. The tenant was reminded that this application deals with a 1 Month Notice to End Tenancy for Cause only and on that basis, the parties agreed that the tenancy will end June 1st, 2012.

Analysis

Section 63 of the *Residential Tenancy Act* provides for the parties to resolve their dispute during the dispute resolution proceedings. Accordingly, the parties have agreed to the following:

- The tenancy will end June 1st, 2012 or sooner.
- The landlord is awarded an Order of Possession effective June 1st, 2012.
- The tenant can recover the filing fee by deducting \$50.00 from the next month's rent.

Tenants and landlords have a duty of care towards one another, and a statutory obligation to comply with the Act. Breaches by either party do not prevent the other party from making future applications for dispute resolution, and the quantum of the evidence at that time may generate a new or different outcome. Since this tenancy will end June 1st, 2012, I do not find it necessary at this time to consider issuing orders for the landlord to comply with the Act.

Conclusion

I grant the landlord an Order of Possession effective no later than June 1st, 2012. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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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 15, 2012.

Residential Tenancy Branch