



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, OPT

Introduction

This conference call hearing was convened in response to the tenant's application to allow more time to make an application to cancel a Notice to End Tenancy; and for an Order of Possession of the rental unit.

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.

The 1 Month Notice to End Tenancy was issued to the tenant on March 31, 2012. The tenant filed an application for dispute resolution on April 4, 2012, which is within the 10 day statutory time line of the Act. Therefore it is not necessary that I grant the tenant more time to make an application to dispute the notice to end tenancy. The tenant has provided documentary evidence to support his reasons for cancelling the notice. Therefore I will consider the landlord's grounds for issuing the notice, and the tenant's evidence to cancel the said notice.

Issue(s) to be Decided

Should the notice to end tenancy be set aside, and should the tenancy continue?
Is the tenant entitled to an Order of Possession?

Background and Evidence

The rental unit consists of an apartment in a 4 unit complex split evenly between residential and commercial rental units. Pursuant to a written agreement, the tenancy started in December 2010. The rent is \$575.00 per month.

In his documentary evidence, the landlord provided a copy of the 1 Month Notice to End Tenancy served on the tenant on March 31, 2012. The notice states the following as reasons for ending the tenancy:

- The tenant has allowed an unreasonable number of occupants in the unit.
- The tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.
- The tenant has put the landlord's property at significant risk.
- The tenant has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.
- The tenant has assigned or sublet the rental unit without the landlord's consent.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution. Matters discussed included, but were not limited to the landlord's reasons stated above, and a date by which the tenancy may end in a courteous manner.

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 no later than May 31, 2012.

- The landlord is granted an Order of Possession effective no later than that date.

Conclusion

I grant the landlord an Order of Possession effective no later than May 31, 2012. If necessary, this 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: April 30, 2012.

Residential Tenancy Branch