



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a ten day notice to end tenancy, to cancel a one month notice to end tenancy for cause and to cancel a two month notice to end tenancy for landlord's use of property.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

At the start of the hearing the landlord stated that he was not proceeding on the ten day notice as the tenant paid the outstanding utilities.

By consent the parties agree to cancel the one month notice to end tenancy for cause.

The parties agree the two month notice was issued on April 1, 2012, with an effective date of June 1, 2012.

As this is a month to month agreement and rent is payable on the first of each month the effective date of the notice is earlier than permitted by the Act. Section 53 of the Act stipulates that if the effective date stated in a notice is earlier than the earliest date permitted under the legislation, the effective date is deemed to be the earliest date that complies with the legislation. Therefore, I find that the effective date of this two month notice to end tenancy is June 30, 2012.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The tenant accepts the two month notice to end tenancy for landlord use of property based on the corrected effective date of the notice;
2. The landlord acknowledges the tenant is entitled to compensation under the Act; and
3. The landlord is granted an order of possession for June 30, 2012, at 1:00 p.m.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The tenant accepted the two month notice to end tenancy for landlord use of property.

The landlord is granted an order of possession effective June 30, 2012, at 1:00 p.m.

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 24, 2012.

Residential Tenancy Branch