



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNC / OPC

Introduction

This hearing was scheduled in response to the tenant's application for more time to make an application to cancel a notice to end tenancy / and cancellation of a notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony. During the hearing the landlord confirmed her desire to obtain an order of possession in the event the tenant's application 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

There is no written tenancy agreement in evidence for this tenancy which began approximately 30 years ago. Monthly rent is presently \$350.00.

The landlord issued a 1 month notice to end tenancy for cause dated June 19, 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 July 31, 2012. Reasons shown on the notice for its issuance are as follows:

Tenant is repeatedly late paying rent

Tenant or a person permitted on the property by the tenant has:

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- put the landlord's property at significant risk

The tenant filed an application to dispute the notice on July 4, 2012, which is beyond the 10 day period available for doing same after service of the notice. As the notice was served in person on June 19, 2012, the final day of the 10 day period available to dispute the notice was June 29, 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

Section 63 of the Act addresses the **Opportunity to settle dispute**. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

- that the tenant will vacate the unit by no later than 1:00 p.m., Saturday, August 18, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenant will undertake to remove all of his valued possessions and all of his discarded possessions and all of his refuse, from the unit and from the larger site, by no later than the effective time and date of the order of possession, as above.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Saturday, August 18, 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: July 24, 2012.

Residential Tenancy Branch