



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, FF

### Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

### Issue(s) to be Decided

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

### Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, what became a month-to-month tenancy began on June 1, 2010. Monthly rent at the start of tenancy was \$1,850.00, and it was due and payable in advance on the first day of each month. While rent has subsequently been increased, there was some uncertainty around the exact amount of the current monthly rent. A security deposit of \$925.00 and a pet damage deposit of \$925.00 were both collected near the start of tenancy.

Over a period of time several 10 day notices to end tenancy for unpaid rent were issued by the landlord and dated as follows:

2011: July 13, August 2, October 5 & November 4,

2012: January 10, March 12 & July 4

Following from the 10 day notices, as above, the landlord issued a 1 month notice to end tenancy for cause dated July 19, 2012. The notice was served by way of posting on the tenant's door 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 August 31, 2012. The reason shown on the notice for its issuance is as follows:

Tenant is repeatedly late paying rent

The tenant filed an application to dispute the notice on July 23, 2012.

During the hearing the parties undertook to achieve a resolution of the aspect of the dispute concerning an end to tenancy.

### 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 addresses the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties led to a settlement, and it was specifically agreed as follows:

### **RECORD OF SETTLEMENT**

- that the tenant will vacate the unit by not later than 1:00 p.m., Sunday, September 30, 2012, and that an order of possession will be issued in favour of the landlord to that effect.

As the tenant's application to have the notice set aside has not succeeded, the aspect of the application concerning recovery of the filing fee is hereby dismissed.

As the end of tenancy approaches, the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

### Conclusion

The tenant's application to recover the filing fee is hereby dismissed.

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Sunday, September 30, 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: August 20, 2012.

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Residential Tenancy Branch