



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF / OPC

Introduction

This hearing was scheduled in response to an application by the tenants 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. During the hearing the landlord confirmed the desire to obtain an order of possession in the event the tenants' 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

This tenancy began on or about August 1, 2002. Monthly rent is currently \$850.00, and a security deposit of \$318.50 was collected at the start of tenancy.

The landlord issued a 1 month notice to end tenancy for cause dated August 27, 2012. The tenants applied to dispute the notice on September 4, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is September 30, 2012. Reasons shown on the notice in support of its issuance are as follows:

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

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

During the hearing the parties undertook to achieve a resolution of their dispute.

Analysis

Section 63 of the Act speaks to the **Opportunity to settle dispute**. Pursuant to this provision, discussion between the parties during the hearing led to a settlement.

RECORD OF SETTLEMENT

- that the tenants will vacate the unit by not later than Monday, December 31, 2012, and that an order of possession will be issued in favour of the landlord to that effect;
- that the tenants will withhold \$25.00 from the next regular payment of monthly rent;
- that the one-time withholding of \$25.00, as above, reflects the agreement between the parties to share the cost of the \$50.00 filing fee paid by the tenants.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Monday, December 31, 2012**. This order must be served on the tenants. Should the tenants 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.

I hereby order that the tenants may withhold \$25.00 from the next regular payment of monthly rent in order to recover half the filing fee paid for their application.

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: October 10, 2012.

Residential Tenancy Branch