



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, MNDC, FF, MT, CNL, OLC, FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 2 month Notice to End Tenancy was sufficiently served on the Tenant by posting on January 20, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the tenant on March 5, 2014 was served on the landlord by mailing, by registered mail to where the landlord carries on business on March 18, 2014. I find that the Application for Dispute Resolution filed by the landlord was served on the tenant on March 24, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order for more time to file the Application for Dispute Resolution?
- b. Whether the tenant is entitled to an order cancelling the 2 month Notice to End Tenancy dated January 18, 2014
- c. Whether the tenant is entitled to reimbursement of the cost of the filing fee?

- d. Whether the landlord is entitled to an Order for Possession?
- e. Whether the landlord is entitled to A Monetary Order and if so how much?
- f. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenant has lived in the rental unit for approximately 10 years. The present rent is \$580 per month payable in advance on the first day of each month. The tenant did not pay a security deposit at the start of the tenancy.

This is a disputed case. The landlord submits the tenant failed to file his Application to cancel the Notice to End Tenancy within time and his application should be cancelled. Further, he submits the tenant failed to serve the Application for Dispute Resolution within the 3 days set out in the Act. The tenant seeks more time to file the application. He further submits the Notice to End Tenancy is invalid as it amounts to a renoviction.

Settlement:

During the course of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on April 30, 2014.
- b. The parties request the arbitrator issue an Order for Possession for that date.
- c. The landlord releases and discharges the Tenant from the monetary claim set out in the Application for Dispute Resolution filed by the landlord on the condition the Tenant vacates the rental unit by April 30, 2014.
- d. The parties acknowledge that the tenant is entitled to receive the equivalent of one month rent in compensation for receiving the 2 month Notice and the tenant shall be entitled to stay in the rental unit for April in satisfaction of this right.
- e. The tenant represents he will not impede the landlord's work on the rental property.

Analysis - Order of Possession:

As a result of the settlement I granted the landlord an Order for Possession effective April 30, 2014.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 01, 2014

Residential Tenancy Branch

