



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Jumsen Enterprises Ltd.
and [tenant name suppressed to protect privacy]

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 1 month notice to end tenancy for cause. Both parties attended and gave affirmed testimony. During the hearing the landlord confirmed that an order of possession is sought in the event the tenant's application does not succeed.

Issue(s) to be Decided

Whether either party is entitled to any of 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, the tenancy began on August 01, 2014. Monthly rent of \$750.00 and a parking fee in the amount of \$10.00, are both due and payable in advance on the first day of each month. A security deposit of \$375.00 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a notice to end tenancy dated August 30, 2014. The notice was personally served 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 October 31, 2014. Reasons identified 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

Tenant has engaged in illegal activity that has, or is likely to:

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenant filed an application to dispute the notice on October 02, 2014. During the hearing the parties undertook to resolve the dispute.

Analysis

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to a resolution and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **Wednesday, December 31, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that later today (November 17, 2014), the tenant will pay the landlord the full amount still outstanding for November's rent / parking of **\$85.00**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Wednesday, December 31, 2014**. 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: November 17, 2014

Residential Tenancy Branch

