



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: CNC, CNL, MNDC, ERP, RP, FF

### Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause / cancellation of a notice to end tenancy for landlord's use of property / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to make emergency repairs for health or safety reasons / an order instructing the landlord to make repairs to the unit, site or property / and recovery of the filing fee.

Both parties attended 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

The unit which is the subject of this dispute is located in the basement portion of a house. Another renter resides in the upstairs portion of the house. The landlord resides in a separate house which is located next door to the aforementioned house.

Pursuant to a written tenancy agreement the tenancy began on April 01, 2014. Monthly rent of \$550.00 is due and payable in advance on the first day of each month, and a security deposit of \$275.00 was collected.

By way of a manually written letter dated November 03, 2014, the landlord requested that the tenant vacate the unit on December 03, 2014. In his letter the landlord claims that he has "decided to renovate my basement suits [sic] and will be turning 2 basement into just one basement suite."

Subsequent to the above, pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy for cause dated November 11, 2014. A copy of the notice was submitted in evidence. The

date shown on the notice by when the tenant must vacate the unit is December 11, 2014; pursuant to section 53 of the Act which speaks to how **Incorrect effective dates automatically changed**, I find that the effective date of the notice should read "December 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:

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

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

- damage the landlord's property

The tenant filed an application to dispute the notice on November 18, 2014.

During the hearing the parties undertook to resolve the dispute, which includes the tenant's concern that water is not flowing from either the kitchen or bathroom sinks. Finally, the parties agree that rent has not presently been paid for December 2014.

### 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 landlord will ensure that required plumbing repairs are completed in the unit by no later than **midnight, Friday, December 19, 2014**;
- that the tenant will vacate the unit by no later than **Wednesday, December 31, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect.

The parties are encouraged to resolve between them the issue of unpaid rent for December 2014. In the event that this matter is unable to be resolved, either party has the option of applying for dispute resolution.

Conclusion

The dispute has been resolved between the parties pursuant to the RECORD OF SETTLEMENT.

All remaining aspects of the application which are not addressed in the RECORD OF SETTLEMENT are hereby dismissed.

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: December 16, 2014

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Residential Tenancy Branch

