



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: MT, CNC FF

### Introduction

This hearing concerns the tenant's application for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for cause / 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

Pursuant to a written tenancy agreement the tenancy began on November 01, 2012. Monthly rent is due and payable in advance on the first day of each month. Effective June 01, 2014 rent became \$900.00. A security deposit of \$425.00 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated November 02, 2014. The notice was personally served on or about that same date. A copy of the notice was submitted in evidence. Reasons identified on the notice in support of its issuance are as follows:

- Tenant is repeatedly late paying rent
- 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 20, 2014, however, during the hearing the parties undertook to resolve the dispute.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

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 **Sunday, February 01, 2015**, and that an **order of possession** will be issued in favour of the landlord to that effect.

As the parties achieved a settlement of the dispute, I find that the tenant has established entitlement to recovery of ½ the \$50.00 filing fee in the amount of \$25.00. I order that the tenant may recover this amount by withholding \$25.00 from the next regular payment of monthly rent.

Finally, as the end of tenancy nears, the attention of the parties is drawn to the provisions set out in section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Sunday, February 01, 2015**. 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.

The tenant is hereby ordered that she may withhold **\$25.00** from the next regular payment of monthly rent in order to recover ½ the filing fee for this 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: December 17, 2014

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Residential Tenancy Branch

