



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Sutton Place Showplace Realty 2014  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: CNC / OPC

### Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause. Both parties attended and gave affirmed testimony.

During the hearing the landlord's agent (the "landlord") confirmed that the landlord seeks an order of possession in the event the tenant's 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

Pursuant to a written tenancy agreement the month-to-month tenancy began on October 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.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated February 09, 2015. The notice was personally served on that same date. A copy of the notice was submitted in evidence. There are eight (8) different reasons identified on the notice in support of its issuance. The tenant filed an application to dispute the notice on February 16, 2015.

### 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 **April 30, 2015**, and that an **order of possession** will be issued in favour of the landlord to that effect.

As the end of tenancy nears, the attention of the parties is drawn to the following particular sections of the Act:

Section 37: **Leaving the rental unit at the end of a tenancy**

Section 38: **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 **April 30, 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.

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: March 16, 2015

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Residential Tenancy Branch

