



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: CNC, FF / OPC

### Introduction

This hearing was scheduled in response to an application by the tenants for cancellation of a notice to end tenancy for cause / and recovery of the filing fee. Both parties attended and gave affirmed testimony. During the hearing the landlord confirmed that he seeks an order of possession in the event the tenants' 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

There is no written tenancy agreement in evidence for this tenancy which began in August 2009. Monthly rent of \$1,250.00 is due and payable in advance on the first day of each month, and a security deposit of \$ 625.00 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 April 30, 2015. The notice was personally served on April 29, 2015. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is May 31, 2015. Reasons identified on the notice in support of its issuance are as follows:

Tenant is repeatedly late paying rent

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

put the landlord's property at significant risk

The tenants filed an application to dispute the notice on May 04, 2015, and during the hearing the parties undertook to resolve the dispute.

### Analysis

Section 63 of the Act addresses 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 tenants will vacate the unit by not later than **June 30, 2015**, and that an **order of possession** will be issued in favour of the landlord to that effect;
- that the tenants **withdraw** their **application to recover the filing fee** for this application for dispute resolution.

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 **June 30, 2015**. This order must be served on the tenant(s). Should the tenant(s) 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: May 26, 2015

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Residential Tenancy Branch

