



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL, FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the two month Notice to End Tenancy was sufficiently served on the Tenant on May 12, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord by mailing, by registered mail to where the landlord resides on May 21, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on September 8, 2005. The rent was increased effective July 1, 2015 and the present rent is \$606 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$275 at the start of the tenancy.

The landlord failed to deliver a copy of the permit to the Residential Tenancy Branch and the tenant. The landlord testified the permit was applied for and obtained on May 27, 2015 which is after the date of the Notice to End Tenancy.

Settlement:

At the end of the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on August 31, 2015 and the tenant shall vacate the rental unit by that date.
- b. The parties request the arbitrator issue an Order for Possession for August 31, 2015.
- c. The parties agree the tenant is entitled to recover the \$50 filing fee from the landlord which shall be applied to the rent owing for July leaving a balance owing for that month of \$556.
- d. The tenant is entitled to live in the rental unit rent free for the month of August in compensation for her entitled under section 51(1) to the equivalent of one month rent.

As a result of the settlement I granted the landlord an Order for Possession effective August 31, 2015. I further ordered the landlord shall pay the tenant the sum of \$50 such sum shall be applied to the rent for July leaving a balance owing of \$556..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: July 02, 2015

Residential Tenancy Branch

