



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, CNC

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 one month Notice to End Tenancy was personally served on the Tenant on August 17, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on August 26, 2015.

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 August 17, 2015?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on July 1, 2008. The present rent is \$1584 per month payable in advance on the first day of each month. The tenancy agreement provided that the tenant paid a security deposit of \$652.50 on June 3, 2008.

The tenant acknowledged he has paid the rent late on more than three occasions. He disputes some of the late payments alleged by the landlord stating the landlord agreed to those late payments. The tenant owes two months rent totaling \$3228.

Settlement:

During 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 consent to an Order for Possession being granted with the effective date of November 3, 2015.
- b. The tenant represents that he will pay the arrears in the sum of \$3228 by October 30, 2015 and the rent for November in the sum of \$1584 by November 2, 2015.
- c. The landlord agrees that if the tenant makes the payment the landlord will reinstate the tenancy on the basis that if there is any further late payment of rent the landlord reserves the right to serve another Notice to End Tenancy alleging repeated late payment of rent based on the late payments to date.
- d. If the tenant fails to make the payments as provided above the landlord shall be at liberty to enforce the Order for Possession.

As a result of the settlement I granted an Order for Possession effective November 3, 2015. All other claims are dismissed.

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: October 08, 2015

Residential Tenancy Branch

