



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC, OPC & FF

### Introduction

The Application for Dispute Resolution filed by the Tenants makes the following claims:

- a. An order to cancel the one month Notice to End Tenancy dated October 14, 2015.
- b. An order that the tenant recover the cost of the filing fee

The Application for Dispute Resolution filed by the landlord makes the following claims

- a. An Order for Possession
- b. An order that the landlord recover the cost of the filing fee.

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.

I find that the one month Notice to End Tenancy was personally served on the Tenants on October 14, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenant was personally served on the landlord on October 19, 2015. There is some confusion as to whether the landlord served the Application for Dispute Resolution filed on November 6, 2015. The parties reached a settlement and it is not necessary to consider this issue.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated October 14, 2015?
- b. Whether the tenant is entitled to recover the cost of the filing fee?
- c. Whether the landlord is entitled to an Order for Possession?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on February 1, 2013. The present rent is \$1770 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$900 at the start of the tenancy.

The grounds set out in the Notice to End Tenancy are as follows:

- Tenant or a person permitted on the property by the tenant has:
  - significantly interfered with or unreasonably disturbed another occupant or the landlord
  - seriously jeopardized the health or safety or lawful right of another occupant or the landlord
  - put the landlord's property at significant risk
- Tenant has engaged in illegal activity that has, or is likely to:
  - ....
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

Settlement:

At the start 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 February 29, 2016.
- b. The parties request the arbitrator issue an Order for Possession for February 29, 2016.

**As a result of the settlement I granted an Order for Possession effective February 29, 2016.** 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: December 16, 2015

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Residential Tenancy Branch

