



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 confirmed that she 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, a copy of which is not in evidence, the tenancy began on May 01, 2010. Monthly rent is due and payable in advance on the first day of each month. The current monthly rent is \$956.70, and a security deposit of \$450.00 was collected on or about May 01, 2010.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy. Only page 2 of the 2 page notice was submitted in evidence. The parties agree that the notice is dated either October 22 or 23, 2015 and that it was served in-person on either October 22 or 23, 2015. The reason identified on the notice in support of its issuance is as follows:

Rental unit / site must be vacated to comply with a government order

The tenant filed an application to dispute the notice on October 30, 2015, and submitted an amended application on November 02, 2015. The tenant presently still resides in the unit, however, he testified that he has now found another place to live. In the result, during the hearing the parties undertook to settle their dispute.

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 **January 31, 2016**, 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 **January 31, 2016**. 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: January 04, 2016

Residential Tenancy Branch

