



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, OPL, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 2 month Notice to End Tenancy dated February 28, 2016.
- b. An order suspending or setting conditions on the landlord's right to enter the rental unit.

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession
- b. An Order to 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.

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 2 month Notice to End Tenancy was personally served on the Tenant on February 28, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenants was personally served on the Landlord on March 4, 2016. I find that the Application for Dispute Resolution/Notice of Hearing filed by the Landlord was personally served on the Tenants on March 23, 2016. 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 tenants are entitled to an order cancelling the 2 month day Notice to End Tenancy dated February 28, 2016?
- b. Whether the tenants are entitled to an order suspending or setting conditions on the Landlord's right to enter the rental unit?

- 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 tenancy began on February 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$950 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$475 at the start of the tenancy.

Settlement::

The parties reached a settlement at the hearing 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 May 31, 2016.
- b. The parties request that the arbitrator grant an Order for Possession for that date.

As a result of the settlement I issued an Order for Possession for May 31, 2016.

I dismissed the landlord's application to recover the cost of the filing fee. The landlord failed to place a check mark in any of the boxes in the Notice to End Tenancy. The parties mutually agreed to end the tenancy on May 31, 2016. However, the landlord's application would not have been successful if it had proceeded to a hearing. The tenant's application to suspend or set conditions on the landlord's right to enter the rental unit is dismissed.

Order for Possession:

As a result I an Order for Possession effective May 31, 2016..

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: April 11, 2016

Residential Tenancy Branch

