



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR

Introduction

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

- a. An order to cancel the one month Notice to End Tenancy dated February 28, 2016.
- b. An order to cancel a 10 day Notice to End Tenancy dated March 24, 2016.

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 one month Notice to End Tenancy was served on the Tenant by posting on February 28, 2016. I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on March 24, 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 tenant is entitled to an order cancelling the one month Notice to End Tenancy dated February 28, 2016?
- b. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated March 24, 2016.

Background and Evidence

The tenancy began approximately 5 ½ years ago. The present rent for the rental unit is \$843. The tenant has paid her share of the rent in the sum of \$421.50. However, the

other tenant failed to pay the rent. The tenant(s) paid a security deposit at the start of the tenancy but she cannot remember how much she paid.

The landlord has filed an Application for Dispute Resolution against both tenants seeking an Order for Possession based on the 10 day Notice to End Tenancy which is scheduled for May 13, 2016 and a second Application for Dispute Resolution seeking an Order for Possession based on the one month Notice to End Tenancy which is scheduled to be heard on May 16, 2016.

Grounds for Termination:

The 10 day Notice to End Tenancy dated March 24, 2016 on file is not legible. However, it appears to alleges the tenants have failed to pay the rent and the sum of \$1264.50.

The one month Notice to End Tenancy relies on the following grounds:

- Tenant or a person permitted on the property by the tenant has:
 - put the landlord's property at significant risk
- Tenant has engaged in illegal activity that has, or is likely to:
 - damage the landlord's property
- Tenant has not done required repairs of damage to the unit/site
- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so
- Rental unit/site must be vacated to comply with a government order

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The parties mutually agree to end the tenancy on May 31, 2016.
- b. The parties request the arbitrator to issue an Order for Possession for May 31, 2016.
- c. The tenant shall use her best efforts to clean her part of the mess on rental property in a timely manner.

As a result of the settlement I issued an Order for Possession effective May 31, 2016 ordering the Tenant and those obtaining possession through her to give up vacant

possession by that date. I dismissed all other claims in the Application for Dispute Resolution without leave to re-apply..

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 20, 2016

Residential Tenancy Branch