



# 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 1 month notice to end tenancy for cause. Both parties attended and gave affirmed testimony. During the hearing the landlord confirmed that an order of possession is sought 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 the tenancy began on September 01, 2015. Monthly rent of \$775.00 is due and payable in advance on the first day of each month. A security deposit of \$387.50 and a pet damage deposit of \$200.00 were collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated April 27, 2016. The notice was served by posting to the unit door on that same date. A copy of the notice was submitted in evidence. The date shown by when the tenant must vacate the unit is May 31, 2016. Reasons identified on the notice in support of its issuance are as follows:

Tenant has allowed an unreasonable number of occupants in the unit

Tenant or a person permitted on the property by the tenant has

- significantly interfered with or unreasonably disturbed another occupant or the landlord

Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

Subsequently, the tenant filed an application to dispute the notice on May 03, 2016, and still resides in the unit. During the hearing the parties undertook to resolve the dispute.

### Analysis

Pursuant to section 63 of the Act which addresses the **Opportunity to settle dispute**, through discussion the parties resolved the dispute during the hearing as follows:

### **RECORD OF SETTLEMENT**

- the parties agree that the tenant will vacate the unit by not later than **Thursday, June 30, 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 section 37 of the Act: **Leaving the rental unit at the end of a tenancy**, and section 38 of the Act: **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 **Thursday, June 30, 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: June 06, 2016

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Residential Tenancy Branch