



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Peninsula Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE, FF

Introduction

This was a hearing with respect to the tenants' application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The named tenant and the landlord's representatives called in and participated in the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy dated July 9, 2016 be cancelled?
Are the tenants entitled to any other relief?

Background and Evidence

The rental unit is a strata title condominium in Surrey. The tenancy began November 1, 2014 for a fixed term ending October 31, 2016. The agreement provided that the tenants will move out at the end of the term.

The landlord served the tenants with a one month Notice to End Tenancy for cause dated July 9, 2016. The Notice to End Tenancy required the tenants to move out of the rental unit by August 31, 2016. The stated reason for the Notice to End Tenancy is that the tenants have significantly interfered with or unreasonably disturbed another occupant or the landlord and that they have seriously jeopardized the health or safety or lawful right of another occupant or the landlord. Specifically the landlord claimed that the tenants have refused to give reasonable access to allow the owner's real estate agent to show the rental unit to prospective purchasers.

During the hearing the landlord's representatives and the tenant were given an opportunity to discuss a possible resolution of the dispute.

Analysis

The landlord's representative and the tenant agreed that, from now until the tenancy ends on October 31, 2016, the tenants will allow the landlord and the owner's realtor to show the rental unit to prospective purchasers twice per week, one such showing to be on a weekday and the second showing on a weekend.

The tenant agreed that such showing may be arranged by telephone or e-mail communication with the owner's real estate agent.

The tenant acknowledged at the hearing that if the tenants fail to allow the rental unit to be shown not more than twice per week then the tenants' failure to permit entry to show the unit will constitute cause to end the tenancy.

Conclusion

Pursuant to the agreement of the parties I order that the Notice to End Tenancy dated July 9, 2016 be and is hereby cancelled; the tenancy will continue until October 31, 2016, unless there are ground to end the tenancy before then.

Pursuant to the agreement of the parties the owner's realtor will be permitted to show the rental unit twice per week upon notice and consultation with the tenants, one such showing to occur on a weekday and the other showing on a weekend.

Because this matter has been resolved by agreement, I make no order with respect to the filing fee for this application.

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: September 08, 2016

Residential Tenancy Branch