



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, PSF

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 January 9, 2017
- b. An order that the landlord comply with the Act, regulation and/or tenancy agreement
- c. An order that the landlord provide services or facilities required by the tenancy agreement or law.

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.

Neither party provided the Residential Tenancy Branch with a copy of the one month Notice to End Tenancy and any other documents. 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 personally served on the Tenant on January 9, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord resides on January 25, 2017. 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 Notice to End Tenancy dated January 9, 2017?

Residential Tenancy Branch

#RTB-136 (2014/12)



- b. Whether the tenant is entitled to an order that the landlord comply with the Act, regulation and/or tenancy agreement
- c. Whether the tenant is entitled to an order that the landlord provide services or facilities required by the tenancy agreement or law.

Background and Evidence

The tenancy began on September 15, 2015. The tenancy agreement provided that the tenant(s) would pay rent of \$2000 per month payable in advance on the 15th day of each month. The tenant(s) paid a security deposit of \$1000 at the start of the tenancy. The rental unit is a suite located in the upper portion of a barn. The tenant has a number of animals.

The parties testified the landlord was given a letter from the Municipality stating that the rental unit is not permitted under the bylaws and no one is permitted to live in that suite. Both parties failed to provide a copy of that letter to the Branch and I am unable to determine whether it is an order.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

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

Settlement:

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

- a. The parties mutually agree to end the tenancy by April 15, 2017.
- b. The parties consent to an Order for Possession being granted for April 15, 2017.
- c. The tenant will use her best efforts to find alternative accommodation before April 15, 2017.
- d. The tenant shall be given to April 30, 2017 to remove her fencing and caging materials if she is unable to remove them by April 15, 2017.
- e. The tenant shall give the landlord access to the barn upon reasonable notice being given by the landlord.

Order for Possession:

As a result of the settlement I granted an Order for Possession effective April 15, 2017. All other claims in this application are dismissed.

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 final and binding on the parties.

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: February 16, 2017

Residential Tenancy Branch