



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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
- b. A monetary order in the sum of \$2444.
- c. 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 Notice to End Tenancy was personally served on the Tenants on April 3, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord on April 8, 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
- b. Whether the tenants are entitled to a monetary order and if so how much?
- c. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on August 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$1000 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$500 at the start of the tenancy.

Settlement:

The parties reached a settlement in writing dated May 4, 2017. The settlement includes the obligation of the tenant to abide by all the conditions of his probation order, the tenants are to pay the rent and arrears of rent in accordance with a payment schedule failing which the settlement agreement would be null and void and the tenants would have to leave within 72 hours and that the tenancy would end in any event on June 30, 2017. The parties requested that I grant an Order of Possession effective June 30, 2017. The tenant also stated that I should dismiss the tenants' claim for a monetary order and to recover the cost of the filing fee.

Determination and Orders:

As a result of the settlement I issued an Order of Possession effective June 30, 2017.

I dismissed the Tenants claim for a monetary order and to recover the cost of the filing fee without leave to re-apply.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession.

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: May 12, 2017

Residential Tenancy Branch