



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated December 11, 2017 and setting the end of tenancy for April 30, 2018.

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 personally served on the Tenant on December 11, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on December 15, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated December 11, 2017?

Background and Evidence:

The tenancy began in September 2013. The parties entered into a written 10 month fixed term tenancy agreement that provided the tenancy would start on June 1, 2017 and end on April 30, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$1100 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$550 at the start of the tenancy.

The landlord testified the rental unit is unauthorized and the Municipality has received complaints from neighbors. As a result the Building Inspector has told him that he must

decommission the rental unit. The tenant stated he was prepared to vacate but needs a reasonable period of time to find alternative accommodation.

Settlement:

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

- a. The parties mutually agree to end the tenancy on April 30, 2018.
- b. The parties request the arbitrator issue an Order of Possession for April 30, 2018.

Order for Possession:

As a result of the settlement I granted the landlord an Order for Possession effective April 30, 2018

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: January 17, 2018

Residential Tenancy Branch