



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FFT

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 March 23, 2018
- b. 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. During the hearing the parties reached a settlement and they asked that I record the settlement.

I find that the one month Notice to End Tenancy was served on the Tenant by posting on March 23, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord as the landlord acknowledged service of the hearing package. With respect to each of the applicant's claims I find as follows:

Issues 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 March 23, 2018?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on April 14, 2016 when the parties entered into a one year fixed term written agreement that became month to month after the expiry of the fixed term. The rent was initially set at \$1400 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$700 at the start of the tenancy. The present rent is \$1451 per month payable in advance on the first day of each month.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

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

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 agreement to end the tenancy on June 30, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for June 30, 2018.
- c. The landlord shall permit the tenant to store a reasonable amount of his belongings (including couch, bed, dining room table, TV, a few boxes) in a secure storage area under the sole control of the landlord (the landlord has some of his belongings in this area) without cost to the tenant from the end of tenancy until August 15, 2018.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective June 30, 2018. The claim to recover the cost of the filing fee is dismissed as it was not part of the settlement.

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 17, 2018

Residential Tenancy Branch