



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, CNC, OLC

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the one month Notice to End Tenancy dated April 20, 2018
- b. An order that the landlord comply with the Act, regulation and/or the tenancy agreement

The Application for Dispute Resolution filed by the landlord makes seeks an Order of Possession.

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. The parties acknowledged they had received the documents of the other party.

I find that the one month Notice to End Tenancy was personally served on the Tenant on April 20, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing filed by each party was sufficiently served on the other.

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated April 20, 2018?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act, regulation and/or the tenancy agreement?
- c. Whether the landlord is entitled to an Order for Possession?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start in 2012. The present rent is \$807 per month payable on the first day of each month. The tenant paid a security deposit and a pet damage deposit that totaled \$725 at the start of the tenancy.

The tenants continue to reside in the rental unit.

Settlement:

At the end of 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 August 31, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for August 31, 2018.

As a result of the settlement I granted an Order of Possession effective August 31, 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.

The tenant lead evidence seeking compensation for the reduced value of the tenancy because of the extensive construction she has experience over the last couple of years. I dismissed this claim with leave to re-apply as the Tenant did not seek a monetary order in her application and she failed to provide sufficient evidence in order that a decision could be made on the merits.

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: June 26, 2018

Residential Tenancy Branch