



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, LRE, RP

### **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 19, 2018
- b. An order to suspend or set conditions on the landlord's right to enter the rental unit
- c. A repair order

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 hearing was originally set for June 4, 2018. However, there was insufficient time to complete the presentation on all of the evidence and it was adjourned to July 24, 2018 to give the parties an opportunity to present additional evidence..

I find that the Notice to End Tenancy was personally served on the Tenant on March 19, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on a representative of the landlord April 10, 2018. 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 19, 2018?
- b. Whether the tenant is entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit?
- c. Whether the tenant is entitled to a repair order?

### **Background and Evidence:**

The tenancy began on December 10, 2010. The present rent is \$320 per month payable in advance on the first day of each month.

### **Grounds for Termination:**

The Notice to End Tenancy identifies the following grounds:

- Tenant or a person permitted on the property by the tenant has:
  - significantly interfered with or unreasonably disturbed another occupant or the landlord
  - seriously jeopardized the health or safety or lawful right of another occupant or the landlord
  - put the landlord's property at significant risk
- Tenant has engaged in illegal activity that has, or is likely to:
  - ....
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
  - ...

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

Determination and Orders:

As a result of the settlement I issued an Order of Possession effective August 31, 2018. 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: July 24, 2018

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Residential Tenancy Branch