



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, MNDC, OLC, MNSD, FF

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 July 1, 2019
- b. An order suspending or setting conditions on the landlord's right to enter the rental unit
- c. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.

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 July 1, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was served on the landlord on or about July 18, 2019. 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 one month Notice to End Tenancy dated July 1, 2019?
- b. Whether the tenant is entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- c. Whether the tenant is entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?

Background and Evidence:

The tenancy began in 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$750 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$375 at the start of the tenancy.

Grounds for Termination:

The Notice to End Tenancy relies on the following grounds:

- Tenant has allowed an unreasonable number of occupants in the unit/site
- 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:
 - damage the landlord's property
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
 - jeopardize a lawful right or interest of another occupant or the landlord
- Tenant has caused extraordinary damage to the unit/site or property/park

The tenant stated that he was interested in remaining in the rental unit for another 3 to 4 months until his trailer has been renovated. The landlord stated he was prepared to allow the tenant to remain in the rental unit until then provided that the tenant agrees that he or a person permitted on the property by the tenant will refrain from significantly interfering with or unreasonably disturbing other tenants and refrain from carrying out business activities. The tenant stated he has not done anything wrong but he will agree to the proposal of the landlord.

Settlement:

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 January 31, 2020.
- b. The parties request that the arbitrator issue an Order of Possession for that date.

- c. The Tenant agrees that he or a person permitted on the property by the Tenant will not significantly interfere with or unreasonably disturb other tenants and will refrain from carrying out business activities from the residence.

Determination and Orders:

As a result of the settlement I issued an Order of Possession effective January 31, 2020.

All other claims are dismissed with leave to re-apply as those claims were 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: September 17, 2019

Residential Tenancy Branch