



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, OLC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, to cancel a One Month Notice to End Tenancy for Cause, to have the landlord comply with the Act and to recover the cost of the filing fee.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary and procedural matters

At the outset of the hearing, it was confirmed that the tenant was not served with either notices to end tenancy. The tenant was disputing caution letters given. As the tenant was not given any notice to end the tenancy, I find it not necessary to consider these issues.

I am also not considering the tenant's request to have the landlord comply with the Act. The landlord is entitled issue warning letters that are related to the tenancy and they are entitled to access the premise when notice is given. This is not harassment as it is for a legal purpose.

Based, on the above, I dismiss the tenant's application without leave to reapply. As there was no requirement for the tenant to make this application as no notices to end tenancy were given, I decline to award the tenant the recovery of their filing fee.

Settlement agreement

1. The parties agreed that the tenant was served with a Two Month Notice to End the Tenancy for Landlord's Use of Property (the "Two Month Notice"). The property was recently sold.
2. The parties agreed that the tenancy will legally end based on the above Two Month Notice on March 31, 2021, and the landlord is entitled to an order of possession on that date.
3. The parties agreed that the tenant is entitled to withhold rent for March 2021, as that will be their compensation for receiving the Two Month Notice.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The tenant's application is dismissed. As a result of the above settlement, the landlord is granted an order of possession on the above noted date.

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 18, 2021

Residential Tenancy Branch