



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause. Both parties attended the hearing and had opportunity to be heard. The tenant was accompanied by his agent.

The parties acknowledged having received each other's evidence.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on May 01, 2022. The monthly rent is \$1,300.00 payable on the first of each month.

On March 07, 2023, the landlord served the tenant with a notice to end tenancy for cause with an effective date of April 30, 2023.

The reasons for the notice were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision and/ or an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out by 1:00pm on October 01, 2023.
2. The landlord agreed to allow the tenancy to continue until 1:00pm on October 01, 2023.
3. An order of possession effective this date will be granted to the landlord.
4. The tenant agreed to use the available support services to keep the rental unit in a clean and hygienic condition and allow the landlord to inspect the unit three times a month, with at least 24 hours notice.
5. The tenant agreed to allow the landlord additional inspections with at least 24 hours notice, in the event that the landlord receives complaints from the other occupants of the building, regarding the cleanliness of the rental unit and the odours that may be emanating from within.
6. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.
7. The parties agreed to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this settled agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* to seek remedy.

The tenant would be wise to ensure that he uses the support services to keep his rental unit and areas surrounding the rental unit in a clean and hygienic condition, in order to allow his tenancy to continue until October 01, 2023 and to avoid complaints from other tenants. I find it timely to put the tenant on notice that, if such behaviours were to occur again in the future and another notice to end tenancy issued, the record of these events would form part of the landlord's case should it again come before an Arbitrator, for consideration.

Pursuant to the above agreement, I grant the landlord an order of possession effective by 1:00pm on October 01, 2023. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

Pursuant to the above agreement, the notice is upheld, and the tenancy will end on or before 1:00pm on October 01, 2023.

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 27, 2023

Residential Tenancy Branch