



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPC, CNC, FF

Introduction

This hearing dealt with two applications: 1) from the landlord(s) for an order of possession, and recovery of the filing fee, and 2) from the tenants for cancellation of the 1 month notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the landlord(s) is entitled to an order of possession and recovery of the filing fee
- Whether the tenants are entitled to cancellation of the 1 month notice

Background and Evidence

The month-to-month tenancy began more than three (3) years ago on or around February 1, 2006. Rent in the amount of \$960.00 is payable in advance on the first day of each month, and a security deposit of \$450.00 was collected at the start of tenancy.

As a result of concerns raised variously by other tenants about the sound of loud music coming from the unit, the howling of a dog left outside, and the allegedly threatening behaviour of one of the two tenants in particular, the landlord issued a 1 month notice to end tenancy for cause. The landlord submitted into evidence a copy of the 1 month notice dated February 9, 2009 which was posted on the tenants' door. The date shown on the notice by when the tenants must vacate the unit is March 31, 2009. Reasons shown on the notice for its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord
- put the landlord's property at significant risk

In response to the notice, the tenants filed their own application for dispute resolution seeking an order cancelling the 1 month notice to end tenancy.

However, at the outset of the hearing the tenant who was present indicated that she and the other tenant were no longer interested in disputing the notice to end tenancy, and that they wished to vacate the unit at the end of April 2009. The landlord's agent agreed to the tenant's proposal.

Analysis

Pursuant to the agreement reached between the parties, as above, I find that the landlord is entitled to an order of possession. Further, as the outcome of this hearing favours the landlord(s), the landlord(s) may recover the \$50.00 filing fee from the tenants' security deposit at the end of tenancy.

Conclusion

I hereby issue an order of possession in favour of the landlord(s) effective not later than **1:00 p.m., Thursday, April 30, 2009**. This order must be served on the tenants. Should the tenants 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.

I order that the landlord(s) may withhold \$50.00 from the tenants' security deposit at the end of tenancy in order to recover the filing fee.

DATE: April 17, 2009

Dispute Resolution Officer