



Dispute Resolution Services

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

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with an application from the tenant for cancellation of the 1 month notice to end tenancy for cause, and recovery of the filing fee for this application. Both parties participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the tenant is entitled to cancellation of the 1 month notice and / or recovery of the filing fee

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on March 15, 2006. Rent in the amount of \$620.00 is payable in advance on the first day of each month, and a security deposit of \$287.50 was collected at the start of tenancy.

Arising from the landlord's concerns that the cleanliness of the unit did not fully meet the requirements of the applicable fire-safety and health regulations, she issued a 1 month notice to end tenancy for cause. Subsequently, the tenant took the necessary measures and satisfied the landlord that no further action was required.

During the hearing the parties exchanged views in order to try to resolve the matter.

Analysis

Pursuant to section 63 of the Act, discussion between the parties during the hearing led to a resolution of the dispute. Specifically, the parties agreed as follows:

- that the 1 month notice to end tenancy for cause is set aside;
- that the tenancy continues in full force and effect;
- that the tenant may withhold \$25.00 from the next regular payment of monthly rent;
- that the above particulars comprise full and final settlement of all aspects of the dispute for both parties.

Conclusion

Pursuant to the above agreement, I hereby set aside the 1 month notice to end tenancy for cause, with the result that the tenancy continues in full force and effect.

Further, I hereby order that the tenant may withhold \$25.00 from the next regular payment of monthly rent.

DATE: May 13, 2009

Dispute Resolution Officer