

Decision

Dispute Codes: CNC, FF

Introduction

This hearing dealt with the tenant's application to cancel the landlord's 1 month notice to end tenancy for cause, in addition to recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the tenant is entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on June 13, 2009. Rent in the amount of \$1,075.00 is payable in advance on the first day of each month, and a security deposit of \$537.50 was collected on or about June 13, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated November 1, 2009. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Reasons for its issuance are identified on the notice as follows:

Tenant is repeatedly late paying rent

Tenant has caused extraordinary damage to the unit / site or property / park

The tenant applied to dispute the notice by filing for dispute resolution on November 4, 2009.

During the hearing the parties exchanged views on some of the circumstances surrounding the dispute and undertook to achieve a resolution.

Analysis

Section 63 of the Act provides that the parties may undertake to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that the tenant will vacate the unit not later than 1:00 p.m., December 31, 2009, and that an order of possession will be issued in favour of the landlord to that effect;
- that as the tenant has already made payment of \$500.00 towards rent for December, the tenant will withhold \$50.00 from the balance of rent owed in consideration of the \$50.00 filing fee;
- that rent still owed for December is therefore \$525.00 (\$575.00 - \$50.00);
- that the above particulars comprise full and final settlement of all aspects of the dispute arising from this tenancy which are presently before me, for both parties.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than 1:00 p.m., December 31, 2009. This order must be served on the tenant. 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.

DATE: November 27, 2009

Dispute Resolution Officer