



Dispute Resolution Services

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

Dispute Codes:

CNC and FF

Introduction

This hearing was scheduled in response to an application by the Tenant to cancel a Notice to End Tenancy for Cause and to recover the filing fee from the Landlord for the cost of filing this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral evidence, to ask questions of the other party, and to make submissions to me.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside, and whether the Tenant is entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Background and Evidence

The Landlord and the Tenants agree that a 1 Month Notice to End Tenancy for Cause was served on the Tenants, which indicated that the Tenants were required to vacate the rental unit on October 31, 2008.

During the hearing the Tenants indicated that they intend to vacate the rental unit, at which time both parties agreed that they would be interested in resolving this dispute by mutually agreeing to end this tenancy on November 15, 2008. The parties agreed that the Tenants will pay one-half of the monthly rent that is due for November and that the Tenants will vacate the rental unit on, or before, November 15, 2008.

At the hearing the Property Manager for the Landlord agreed that a Condition Inspection Report will be completed at the end of the tenancy by an Agent of the Landlord other than the current caretakers of this residential complex.

Conclusion

On the basis of the agreement between the Landlord and the Tenant, I am setting aside the Notice to End Tenancy, as this tenancy is ending by mutual agreement.

I am not awarding costs in this matter, as it was not a part of the settlement agreement reached between these two parties.

Date of Decision: October 21, 2008.