

## **DECISION**

Dispute Codes      MT CNL

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to cancel a notice to end tenancy for the Landlord's use of property and to allow the Tenants more time to make an application.

Service of the hearing documents, by the Tenants to the Landlord, was not done in accordance with section 89 of the *Act*, as the Female Tenant left the notice of dispute resolution with the Landlord's Mother. The Landlord attended the hearing and confirmed receipt of the hearing documents and confirmed that he currently resides with his mother.

Both the Landlord and Female Tenant appeared, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, in documentary form, and to cross exam each other.

All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

Are the Tenants entitled to Orders under sections 49 and 66 of the *Residential Tenancy Act*?

## **DECISION AND REASONS**

During the course of the hearing, the parties reached an agreement to settle these matters, on the following conditions:

1. The Tenants will be allowed to occupy the rental unit until September 12, 2009 at 1:00 p.m. at which time the Tenants will provide the Landlord with vacant possession of the rental unit;
2. The Tenants will pay the Landlord \$400.00 (12/30 of \$1,000.00) on September 1, 2009 for the rent payment in full for September 2009;
3. The Mutual Agreement to End Tenancy which was signed by the Male Tenant and the Landlord on June 3, 2009, is now cancelled and of no force or effect;
4. An Order of Possession is to be issued to the Landlord effective September 12, 2009 at 1:00 p.m.

I hereby grant the Landlord an order of possession, effective September 12, 2009. If the Landlord serves the order of possession on the Tenants and 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.

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: August 27, 2009.

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Dispute Resolution Officer