



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNL, MNDC

Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenant has applied to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property and for compensation for damages.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions to me. I have considered all of the evidence and testimony provided.

Preliminary Matter

At the start of the hearing I determined that effective October 5, 2009, a tenancy was established between the applicant and the male respondent.

The male respondent rented the home from the property owner who had no relationship with the male respondent's tenants. The male respondent provided the applicant with two separate documents, one on November 4 and the second on November 16, 2009, providing notice ending their contract as a result of the sale of the rental unit by the property owner. The sale of the property and subsequent notice issued by the male respondent to the applicant terminated the contract between the applicant and male respondent and rendered the applicant an occupant.

Issue(s) to be Decided

Should the 2 Month Notice to End Tenancy for Landlord's use of the Property be Cancelled?

Is the tenant entitled to monetary compensation for damages?

Settled Agreement

During the hearing the applicant and male respondent agreed to the following:

- The applicant will vacate the rental unit at 1 p.m. on Wednesday, January 6, 2009;
- On January 6, 2009, at 1 p.m. the male respondent will meet the applicant at the rental unit and give him \$500.00 cash;
- The applicant will immediately issue a written receipt to the male respondent;
- The applicant will not be required to pay the December 2009 rent arrears; and,
- The parties have agreed that neither will take further action against the other in relation to this tenancy.

The applicant withdrew his claim for further monetary compensation.

Conclusion

I find that by mutual settled agreement, as provided by section 63 of the Act, this tenancy has ended and that the applicant will vacate the rental unit at 1 p.m. on January 6, 2009. The terms of the settled end of tenancy agreement between the parties are detailed in this decision.

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: December 30, 2009.

Dispute Resolution Officer