



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and recovery of the filing fee. Both parties appeared at the hearing and were provided the opportunity to be heard. I determined that both parties had served late evidence and the evidence was not accepted. I proceeded to hear from the parties verbally.

At the commencement of the hearing, the tenant stated that she did not wish to cancel the Notice to End Tenancy. Rather, the tenant was seeking more time to vacate. I proceeded to facilitate a mutual resolution between the parties.

Issues(s) to be Decided

1. Can the parties reach a mutual resolution and if so, what are the terms of the mutual resolution?

Background and Evidence

The parties reached a mutual resolution during the hearing and requested that I record the terms. I record the terms of the mutual resolution as follows:

1. The tenancy will end no later than November 30, 2010 at which time the tenant must vacate the rental unit.

2. The tenant may end the tenancy earlier than November 30, 2010 and the requirement to give proper written notice is waived by the landlord.
3. Should the tenant end the tenancy earlier than November 30, 2010 the landlord will refund rent paid for days the tenant is not in possession of the rental unit.
4. The landlord will be provided an Order of Possession effective November 30, 2010.

The tenant withdrew her request to recover the filing fee from the landlord.

Analysis

I accept the mutual agreement reached between the parties and make it an Order to binding upon both parties. In accordance with the terms of the mutual agreement I provide the landlord with an Order of Possession with an effective date of November 30, 2010.

Conclusion

This tenancy shall end by mutual agreement in accordance with the terms outlined above. The landlord is provided with an Order of Possession in accordance with the mutual agreement with an effective date of November 30, 2010.

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: September 14, 2010.

Dispute Resolution Officer