



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an application by the Landlord seeking to end this tenancy early pursuant to section 56 of the *Act* and to recover the filing fee.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue to be Determined

Has the Landlord established the grounds to end this tenancy early pursuant to section 56 of the *Act*?

Background and Evidence

This tenancy began on September 1, 2010, for a fixed term of one year. The monthly rent is \$800.00.

Based on affirmed testimony and evidence the Landlord served the Tenant a 1 Month Notice to End Tenancy for Cause on December 20, 2010, by posting on the door, with a stated effective date of January 20, 2011. I note the effective move out date is incorrect under Section 47(2) of the *Act* and is automatically corrected to January 31, 2011, under section 53 of the *Act*.

The Landlord did not submit any relevant evidence, but provided affirmed testimony concerning the various causes as to why the Tenant was given a Notice to End Tenancy; however, the testimony was disputed by the Tenant.

Settled Agreement

After testimony by both parties, the Landlord and Tenant reached a settled agreement. The Landlord and Tenant agreed that this tenancy will end on, and the Tenant will move out by **January 31, 2011, at 1:00 p.m.**

The Tenant understands that the Landlord will be issued an order of possession, based upon the settled agreement, and that if the Tenant fails to move out by **January 31, 2011, at 1:00 p.m.**, the Landlord may obtain a writ of possession and have the Tenant evicted.

As this matter was settled, I decline to assign the filing fee costs to the Landlord.

Conclusion

The Landlord and Tenant have reached a settled agreement that the tenancy will end by **January 31, 2011, at 1:00 p.m.**

Based upon the settled agreement, as provided in section 63 of the Act, I grant the Landlord an **Order of Possession** that is effective on **January 31, 2011, at 1:00 p.m.**

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: January 20, 2011.

Residential Tenancy Branch