

## **DECISION**

### Dispute Codes:

CNC

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present oral evidence, to ask questions, 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.

### Background and Evidence

The Landlord and the Tenant agree that the parties entered into a tenancy agreement that began on January 31, 2009 which required the Tenant to pay monthly rent of \$593.40.

At the outset of the hearing the Landlord and the Tenant indicated their desire to mutually resolve this dispute under the following terms:

- The Landlord will withdraw the Notice to End Tenancy
- The Landlord and the Tenant agree that this tenancy will end on April 30, 2011
- The Tenant agrees to pay rent of \$653.40 for March and April of 2011
- The Tenant agrees that he will not allow cigarettes to be smoked inside the rental unit
- The Landlord agrees that the Tenant may use medicinal marijuana in the rental unit
- The Landlord agrees that she will advise the occupant living above the Tenant that he is disturbing the Tenant during late evening/early morning hours.

Conclusion

On the basis of the mutual agreement, I grant the Landlord an Order of Possession, which will be effective on April 30, 2011. This Order may be served on the Tenant, filed with 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: February 09, 2011.

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Residential Tenancy Branch