



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* for an Order Cancelling a Notice to End Tenancy for Cause (Section 55) and an Order to recover the filing fee for this application (Section 72). Both Parties attended the conference call hearing, indicated that they reached an agreement to settle the dispute and requested that the agreement be recorded as a decision. The Landlord further requests an Order of Possession.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Tenancy began on December 1, 2005. On May 20, 2011, the Landlord served the Tenant with a One Month Notice to end Tenancy for Cause ("Notice"). On May 26, 2011, the Tenant filed an application to dispute the Notice. At the Hearing, the Parties presented their agreement to settle the dispute.

Analysis

Section 63 of the Act is set out as follows:

- (1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.
- (2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order.

Given the authority under the Act, the parties desire to settle their dispute during the proceedings, and agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agree as follows:

- 1. The tenancy will end on July 31, 2011.**
- 2. The Tenant agrees to move out of the unit by July 31, 2011.**
- 3. The Tenant agrees not to complain about other tenants or to behave in a manner that may be annoying to other tenants.**
- 4. The Landlord will request the issuance of an Order of Possession dated for July 31, 2011.**
- 5. Upon the Tenant moving out by July 31, 2011, the Landlord agrees to have this Settlement Agreement be the document that will be on the record in the Tenant's tenancy file with the Landlord.**
- 6. These terms comprise the full and final settlement of all aspects of this dispute for both parties.**

Section 55 of the Act provides that where the Landlord and Tenant have agreed in writing that a tenancy is ended, the Landlord may request an Order of Possession and the order may be granted. Given the above mutual agreement that the tenancy is ended on July 31, 2011, I find that the Landlord is entitled to an Order of Possession for that date.

Conclusion

The Parties have resolved the dispute as set out on the mutually agreed upon terms and the application for dispute resolution is therefore dismissed.

I Grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant 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: June 16, 2011.

Residential Tenancy Branch