



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This matter dealt with an application by the Tenants to cancel a One Month Notice to End Tenancy for Cause dated May 21, 2011 and to recover the filing fee for this proceeding.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This month-to-month tenancy started on June 1, 2009. On May 21, 2011, the Landlord served the Tenants with a One Month Notice to End Tenancy for Cause dated May 21, 2011. The ground stated on the Notice was that "the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord."

At the beginning of the hearing the parties agreed to settle this matter on the terms set out below.

Analysis

Section 63(2) of the Act says that "if the Parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an Order." The Parties agreed to settle this dispute on the following terms:

1. The Tenants agree to withdraw their application in this matter;
2. The Parties agree that the Landlord will receive an Order of Possession to take effect at 1:00 p.m. on July 3, 2011; and

3. The Landlord agrees that the Tenants will not be responsible for July 2011 rent provided that leave the rental unit in substantially the same condition that it was at the beginning of the tenancy.

Conclusion

The Tenants' application is withdrawn. An Order of Possession to take effect at 1:00 p.m. on July 3, 2011 has been issued to the Landlord. A copy of the Order must be served on the Tenants and may be enforced in the Supreme Court of British Columbia.

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