

## **DECISION**

**Dispute Codes:** OPL, OPC, OPR and MNR

### **Introduction**

This application was brought by the landlord on September 2, 2011 seeking an Order of Possession under a most unusual set of circumstances following sale an interest in the rental building by his co-owner and mother of both the landlord and the tenant to her son who assumed full possession on or about September 1, 2011.

The landlord's application had selected "landlord use" as the reason for ending tenancy but the evidence included notices a notice for cause dated August 2, 2011 and another for unpaid rent dated September 2, 2011.

During the hearing, the mother gave evidence that she has poor eyesight and had not fully understood the notice she had signed on August 2, 2011 and withdrew her consent to it. She gave further evidence that she had told the tenant, her daughter, that she did not have to pay the rent for September as the tenancy was ending for landlord use and to allow her some funds to assist with the move.

The tenant stated that she was willing to move and had started to do so, but due to logistical challenges beyond her control, she required more time.

The landlord stated that he needs the rental unit to provide accommodation for his son who is currently housed in the garage on the property.

### **Consent Agreement**

On considering the objectives and needs of one another, the landlord and tenant arrived at the following consent agreement:

1. The landlord agrees to waive the rent for September 2011 as per his former co-owners direction to the tenant.

2. The landlord agrees to waive the rent due for October 2011 provided the tenant vacates by October 31, 2011;
3. The tenant promises to vacate no later than October 31, 2011, agrees that the landlord should have an Order of Possession in support of the agreement and fully understands that the order is binding and enforceable through Supreme Court of British Columbia.

## **Conclusion**

By mutual agreement, the parties have consented with one another to end the tenancy on October 31, 2011 and that the agreement will be supported by an Order of Possession. The landlord waives the rent for September and October 2011.

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on October 31, 2011

The parties are commended for their consideration of one another in crafting this consent agreement.

September 30, 2011