



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant for more time to make her application and to cancel a notice to end tenancy issued for cause.

Service of the hearing documents, by the tenant to the landlord, was done in accordance with section 89 of the *Act*, sent via registered mail on March 13, 2009 and March 20, 2009. Mail receipt numbers were provided in the tenant's verbal testimony. The landlord was deemed to be served the hearing documents on March 18, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has the Tenant met the burden of proof to extend the time limit to make an application for dispute resolution to dispute the 1 Month Notice to End Tenancy (the Notice) pursuant to section 66 of the *Act*?
2. If so, has the Landlord met the burden of proof to uphold the Notice and end the tenancy as of the effective date of the Notice?

Background and Evidence

The parties entered into a fixed term tenancy agreement that began on May 1, 2010 and switch to a month to month tenancy after April 30, 2011. Rent is payable on the first of each month in the amount of \$635.00 and on April 22, 2010 the Tenant paid \$317.50 as the security deposit.

During the course of this hearing the parties agreed to settle this matter.

Analysis

The parties agreed to settle this matter on the following terms:

- 1) The Tenant agrees to withdraw her application for dispute resolution; and
- 2) The parties agree to mutually end the tenancy effective October 31, 2011.

In favor of this mutual agreement I have issued an Order of Possession effective October 31, 2011, at 1:00 p.m.

Conclusion

The Landlord's decision will be accompanied by an Order of Possession effective October 31, 2011. This Order is legally binding and must be served upon the Tenant.

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: September 23, 2011.

Residential Tenancy Branch