

DECISION

Dispute Codes: CNC, MNDC, OLC, RP, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for cause, for an order directing the landlord to conduct repairs and comply with the *Act* and for a monetary order for compensation for stress and loss of quiet enjoyment and for the recovery of filing fee. Both parties attended the hearing along with their advocates and had opportunity to be heard.

This application was initially heard on September 27, 2011 and adjourned to allow additional witnesses to testify.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to compensation?

Background and Evidence

The tenancy began on May 01, 2010. On August 29, 2011, the landlord served the tenant with a one-month notice to end tenancy for cause. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the dispute resolution officer may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The landlord agreed to allow the tenancy to continue up to November 30, 2011.
2. The tenant agreed to move out on or before November 30, 2011.
3. The landlord will be granted an order of possession effective on or before 1:00 p.m. on November 30, 2011.

4. The tenant agreed to pay rent up to and including the last day of tenancy.
5. The landlord agreed to allow a \$25.00 deduction off the rent for November.
6. The tenant agreed to refrain from disturbing other occupants of the building complex
7. The tenant withdrew all other claims against the landlord except for his claim for compensation for stress and loss of quiet enjoyment. At the tenant's request, this portion of his claim is dismissed with leave to reapply
8. Both parties stated that they understood and agreed to abide by the terms of the above agreement.

These particulars comprise the full and final settlement of all aspects of this dispute for both parties.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the 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.

Conclusion

The notice to end tenancy is upheld and the tenancy will end on or before 1:00 p.m. on November 30, 2011.

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: October 27, 2011.

Residential Tenancy Branch