



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code ET

This was the landlord's application requesting an early end of tenancy as the result of an assault of another occupant on October 2, 2011.

The parties agreed to the following facts:

- The tenancy commenced in January 2007; prior to that time the tenant had lived in another suite since May 2006;
- Rent of \$700.00 is due on the first day of each month;
- A hearing was held on November 7, 2011; when the tenant disputed a 2 Month Notice Ending Tenancy for Landlord's Use issued on September 26, 2011; the Notice was deemed invalid;
- That the tenant's request for clarification of the November 7, 2011, decision confirmed that a 2nd Notice, for cause, issued on October 20, 2011, had not been before the dispute resolution officer (DRO) and that a decision had not been rendered in relation to the validity of that Notice.

The tenant believed that the October 20, 2011 Notice had also been set aside by the DRO; he did not dispute that Notice.

During this hearing the parties were able to reach a mutually settled agreement as follows:

- The tenant will vacate the rental unit no later than February 29, 2012, at 1 p.m.;
- The landlord will be provided with an Order of possession effective no earlier than February 29, 2010, at 1 p.m.;
- That the Act will continue to apply to this tenancy until it is ended on February 29, 2012, or ended earlier as provided by the Act;
- That the Notice ending tenancy issued on October 20, 2011, is of no force and effect and has been withdrawn by the landlord.

I explained the different methods of ending a tenancy; such as a written mutual agreement and the Notice required by a tenant. The parties are also aware that the

landlord and tenant each retain the right to submit applications for dispute resolution should either believe they have reason to do so under the Act.

Conclusion

The parties reached a mutual agreement ending this tenancy on **February 29, 2012, at 1 p.m.**

Based on the mutual agreement the landlord has been granted an Order of possession that is effective **no earlier than February 29, 2012, at 1 p.m.** This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This mutual agreement was 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: November 24, 2011.

Residential Tenancy Branch