



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLED DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant seeking an order cancelling a Notice to End Tenancy and to recover the filing fee.

The parties appeared and the hearing process was explained. Thereafter the parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Issue(s) to be Decided

Has the tenant established an entitlement to an order cancelling the Notice to End Tenancy?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

After testimony by the landlord and discussion with the parties, the landlord and tenant agreed to the following:

1. This tenancy will end on, and the tenant will move out of the rental unit by **March 31, 2012, at 1:00 p.m.**,
2. The landlord will be issued an order of possession, based upon the settled agreement, and that if the tenant fails to move out of the rental unit by **March 31, 2012, at 1:00 p.m.**, the landlord may serve the order of possession and seek enforcement of the order through the Supreme Court of British Columbia;
3. The tenant may move out earlier than March 31, 2012, and if the tenant moves out by February 29, 2012, the landlord will not seek rent from the tenant for the month of March, 2012;
4. The tenant understands that if she is still residing in the rental unit on March 1, 2012, the landlord is entitled to and may seek payment of the March 2012 rent.

5. The parties understand there will be no decision or findings on the merits of the tenant's application or the landlord's Notice.

Conclusion

The landlord and tenant have reached a settled agreement that the tenancy will end on or before **March 31, 2012, at 1:00 p.m.**

Based upon the settled agreement, as provided in section 63 of the Act, I grant the landlord an **Order of Possession** that is effective **on March 31, 2012, at 1:00 p.m.**

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to end the tenancy or apply for monetary compensation or other orders under the Act.

This settled agreement 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: February 21, 2012.

Residential Tenancy Branch