



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, FF

Introduction

This hearing dealt with an application by the tenant to cancel a One Month Notice to End Tenancy for Cause (the Notice), dated February 16, 2012, with an automatic effective date of March 31, 2012 [Section 53 – Residential Tenancy Act (the Act)]. The submissions also indicate a similar Notice to End dated February 18, 2012 – issued for the same reason.

Both parties attended the hearing and were given full opportunity to present all relevant evidence in respect to the application and to discuss their dispute.

During the course of this hearing the parties discussed their dispute and turned their minds to compromise, and mutually agreed to settle the issues in dispute and the viability of the tenancy to the full satisfaction of both parties, and that I record their settlement as per Section 63 of the Residential Tenancy Act, as follows:

1. the tenant and landlord agree that **this tenancy will end** no later than **April 30, 2012**.
2. the tenant and landlord agree that the landlord will provide the tenant with a onetime payment in full of **\$5000.00** after the tenant vacates, on the date the tenant vacates.
3. the landlord and tenant agree the landlord will receive an **Order of Possession** effective on or before April 30, 2012.

It must be noted that unless the parties agree differently, the monthly rent is payable as per the tenancy agreement. The landlord is at liberty to issue the tenant a 10 Day Notice to End for unpaid rent if the rent is not paid when it is due.

Conclusion

This Decision and record of settlement is final and binding on the parties.

Should the tenant vacate and the landlord does not comply with the agreed terms of this settlement agreement respecting the monetary particulars, the tenant may apply for dispute resolution seeking a Monetary Order.

I grant the landlord an Order of Possession, **effective on or before April 30, 2012**. The tenant must be served with this Order. If the landlord serves the Order of Possession on the tenant and the tenant fails 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.

As the parties were able to settle their matter, I decline to grant the tenant recovery of the filing fee for the cost of this application.

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: March 07, 2012

Residential Tenancy Branch