



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Preliminary Issues

In the course of this proceeding and upon review of the Tenants' application, I have determined that I will not deal with all the dispute issues the Tenants have placed on their application. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. Therefore, I will deal with the Tenants' request to set aside, or cancel the Landlord's Notice to End Tenancy for cause, and I dismiss the balance of the Tenant's claim with leave to re-apply. It was confirmed that no notice was issued for landlord's use of the property and therefore the Tenant withdrew his application for that reason.

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to cancel a notice to end tenancy for cause.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks.

### Issue(s) to be Decided

1. Has the Landlord proven cause to end this tenancy in accordance with the Notice to end tenancy for cause?

### Background and Evidence

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:

- The Tenants withdraw their application in favour of this settlement agreement; and
- The Landlord will attend the rental unit Friday April 20, 2012, between 7:00 p.m. and 7:30 p.m. to pick up cash or a bank draft in the amount of \$1,200.00 as payment for “use and occupancy only” for April 2012; and
- The Landlord will attend the rental unit Tuesday May 1, 2012, between 7:00 p.m. and 7:30 p.m. to pick up cash or a bank draft in the amount of \$1,200.00 as payment for “use and occupancy only” for May 2012; and
- The parties mutually agree to end this tenancy effective May 31, 2012 at 1:00 p.m.

In support of this agreement the Landlord will be issued an Order of Possession effective May 31, 2012 at 1:00 p.m. and a second Order of Possession effective two days upon service which will be served upon the Tenants in the event the Tenants do not uphold this settlement agreement and pay the rent as described above.

#### Conclusion

The Landlord's decision will be accompanied by two Orders of Possession, one effective May 31, 2012 at 1:00 p.m. and the second effective two days upon service. These Orders are legally binding and must be served upon the Tenants as noted above.

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: April 20, 2012.

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Residential Tenancy Branch