



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC and FF

Introduction

This hearing was convened on an application made by the tenants seeking an order that the fixed term agreement be ended early and/or monetary compensation for loss of quiet enjoyment.

Issue(s) to be Decided

This application requires a decision on whether the tenants are entitled by circumstances to end the tenancy early and/or to monetary compensation for loss of quiet enjoyment.

Background and Evidence

This tenancy began on February 15, 2012 under a fixed term rental agreement set to end on February 28, 2013. Rent is \$1,600 per month and the landlord holds a security deposit of \$800 paid on January 16, 2012.

Consent Agreement

During the hearing, the parties arrived at the following consent agreement:

1. The landlord agrees to waive the rights which are exclusively appurtenant to a "fixed term agreement" such as the right to claim for loss of rent and liquidated damages if the tenant gives imminent notice as promised;
2. The attending tenant agreed to provide the landlord with immediate notice - to afford the landlord the maximum time possible to seek new tenants - that he and his co-tenants will vacate the rental unit by 1 p.m. on May 31, 2012;
3. The parties understand and agree that notice, once given by either party, cannot be unilaterally withdrawn;
4. This agreement is binding.

As a matter of note, the landlord offered to accept notice to end the tenancy on April 30, 2012 if it were given immediately but the tenant expressed the preference for the end date of May 31, 2012.

Conclusion

The parties have reached a mutual agreement to end the subject tenancy at 1 p.m. on May 31, 2012.

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 03, 2012.

Residential Tenancy Branch