



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 the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to discuss this dispute with one another. The tenants confirmed that the landlord handed them the 1 Month Notice on May 3, 2012. I noted that the landlord could not obtain an end to this tenancy by May 31, 2012, the effective date stated on the 1 Month Notice. I observed that the corrected effective date of the tenancy would be June 30, 2012. The landlord confirmed that the tenants handed her a copy of their dispute resolution hearing package on May 8, 2012. I am satisfied that the parties served one another with the above documents in accordance with the *Act*.

Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? Are the tenants entitled to recover the filing fee for their application from the landlord?

Background and Evidence

This periodic tenancy commenced on April 1, 2012. Monthly rent is set at \$700.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$350.00 security deposit.

Analysis

Pursuant to section 63 of the *Act*, the dispute resolution officer may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. At the commencement of the hearing, the parties testified that they had discussed the

issues between them prior to this hearing and had achieved a resolution of their dispute.in which the tenants agreed to end their tenancy by June 30, 2012.

Both parties confirmed that they had reached a final and binding resolution of all issues in dispute arising out of this tenancy on the basis that this tenancy will end by 1:00 p.m. on June 30, 2012, by which time the tenants will have vacated the rental unit.

The landlord's agent stated twice that the landlord is satisfied that the tenants will vacate the premises in accordance with their settlement agreement and that there was no need for the issuance of an Order of Possession

Conclusion

As per the settlement agreement reached between the parties, this tenancy ends by 1:00 p.m. on June 30, 2012, by which time the tenants will have vacated the rental unit. I issue no Order of Possession with respect to this tenancy as the landlord's agent stated that one was not required.

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: May 30, 2012

Residential Tenancy Branch