



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNL, CNC, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for an order to set aside the notice to end tenancy.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. This hearing was initially heard on August 10, 2012 and reconvened to be heard on this date to allow for additional time.

Issues to be decided

Does the landlord have reason to end this tenancy?

Background and Evidence

The tenancy started in early 2010 as a tenancy with an option to purchase. Due to problems with municipal approvals the deal fell through and the tenant moved out in August 2011. The tenant moved back in a month later. The parties were not in agreement about the terms of the second tenancy. The issues surrounding this tenancy were discussed at length.

During this discussion the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the arbitrator may assist the parties 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.

During this hearing, the parties reached an agreement to settle their dispute under the following terms.

- The tenant agreed to move out on or before **September 24, 2012**.
- The tenant agreed to return the keys of the rental unit, to the landlord on or before September 24, 2012
- The landlord agreed to pay the tenant \$1,181.88 in full settlement of all monies owed to the tenant which includes invoices presented by the tenant and the security deposit.
- The landlord agreed to remove all garbage and gravel from the rental property.
- Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Conclusion

On the basis of the settlement agreement reached by the parties, the tenancy will end on September 24, 2012. The landlord will pay the tenant \$1,181.88.

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: September 20, 2012.

Residential Tenancy Branch