



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to hear a tenant's application to cancel a Notice to End Tenancy for Cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The tenant indicated in his application and confirmed during the hearing that he was seeking more time to vacate the rental unit.

During the hearing the parties reached a mutual agreement to end the tenancy November 30, 2012.

The landlord verbally requested an Order of Possession during the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The parties reached a mutual agreement to end the tenancy effective November 30, 2012. Both parties understood and agreed that rent for the month of November 2012 must be paid when due under the tenancy agreement.

The landlord attempted to raise issues with respect to cleaning and damages to the rental unit and the common property. I informed the parties that such matters were not before me; however, I informed the parties that under the Act the tenant is responsible for repairing any damage he may have caused to the property and to return the rental

unit to the landlord in a reasonably clean condition. I also informed the parties of their mutual obligation to participate in a move-out inspection together.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching an agreement during the hearing and to record the agreement in the form of a decision or order.

I have recorded the mutual agreement to end the tenancy effective November 30, 2012 by way of this decision and I make the agreement an Order to be binding upon both parties. I have also provided the landlord with an Order of Possession effective November 30, 2012 to ensure vacant possession is returned to the landlord as agreed upon.

Conclusion

The parties mutually agreed to end the tenancy November 30, 2012. The tenant remains obligated to pay rent for November 2012 when due. The landlord has been provided an Order of Possession effective November 30, 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: October 16, 2012.

Residential Tenancy Branch