



# 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 tenant's 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 her 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 their concerns about this tenancy. The tenant confirmed that she received the landlord's 1 Month Notice that the landlord testified she posted on the tenant's door on September 21, 2012. The landlord confirmed that she received a copy of the tenant's dispute resolution hearing package that the landlord sent to the tenant by registered mail on October 5, 2012. I am satisfied that these documents and the parties' written evidence were served to one another in accordance with the *Act*.

### Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? Is the tenant entitled to recover the filing fee for this application from the landlord?

### Background and Evidence

This periodic tenancy commenced on September 1, 2012 by way of an oral agreement. Monthly rent of \$700.00 is payable on the first of each month. The landlord provides utilities, cable and internet service.

### **One Month Notice to End Tenancy for Cause**

The tenant entered into written evidence a copy of the 1 Month Notice. In that Notice, requiring the tenant to end this tenancy by October 31, 2012, the landlord cited the following reason for the issuance of the Notice:

*Tenant or a person permitted on the property by the tenant has:*

- *significantly interfered with or unreasonably disturbed another occupant or the landlord;*

### 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. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

1. Both parties agreed that this tenancy will end by February 28, 2013, by which time the tenant will have vacated the rental unit.
2. Both parties agreed that they will enter into a mutual end to tenancy agreement once the tenant finds suitable alternate accommodations elsewhere if the occupancy date at the tenant's new premises pre-dates February 28, 2013.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues in dispute at this time arising out of this tenancy.

### Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession to be used by the landlord if the tenant does not abide by the terms of this settlement agreement and vacate the rental premises in accordance with their agreement. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 07, 2012

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Residential Tenancy Branch

