



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was convened as a result of the tenants' application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenants applied to cancel a 1 Month Notice to End Tenancy for Cause.

The male tenant, an advocate for the tenants, an agent for landlord and a witness for the landlord attended the hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Both parties confirmed receiving evidence from the other party prior to the hearing and that they had the opportunity to review the evidence prior to the hearing. I find the parties were served in accordance with the *Act*.

Issue to be Decided

- Should the 1 Month Notice to End Tenancy for Cause be cancelled?

Background and Evidence

The parties agree that a month to month tenancy began on December 1, 2009. The parties agree that a 1 Month Notice to End Tenancy for Cause (the "Notice") dated October 3, 2012 was received by the tenants on October 5, 2012. The tenants disputed the Notice on October 15, 2012.

Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

1. The parties agree that the tenancy will end on January 31, 2013 at 1:00 p.m.
2. The landlord is granted an order of possession **effective January 31, 2013 at 1:00 p.m.**
3. The tenants agree to keep any noise from their rental unit to a minimum until the end of the tenancy.
4. The tenants withdraw their application in full as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The parties mutually agree that the tenancy will end on January 31, 2013 at 1:00 p.m. I grant the landlord an order of possession effective January 31, 2013 at 1:00 p.m. which must be served on the tenants. This order may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 19, 2012

Residential Tenancy Branch