



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SETTLED DECISION

Dispute Codes CNC

Introduction

This hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking an order cancelling a 1 Month Notice to End Tenancy for Cause (the "Notice")

The parties appeared and each representative submitted some of their respective positions.

Thereafter a mediated discussion ensued and the parties agreed to resolve their differences.

Issue(s) to be Decided

Will the tenant agree to vacate and will the landlord be issued an order of possession?

Can the parties reach a mutual agreement to resolve this dispute?

Settled Agreement

The tenant and the landlord agreed that they could resolve their differences and reach a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on January 15, 2013;
2. The landlord agrees that the tenancy will continue until January 15, 2013, at 1:00 p.m., pending the good behaviour of the tenant;
3. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., January 15, 2013, the landlord may serve the order of possession on the tenant and obtain a writ of possession;
4. The landlord agrees to not serve the order of possession on the tenant unless the tenant fails to vacate the rental unit 1:00 p.m. on January 15, 2013 and pending the good behaviour;
5. The tenant acknowledges his understanding that if he or anyone he allows on the residential property or in the rental unit to engage in disruptive behaviour or significant interference with other occupants or the landlord, the landlord may file an application for dispute resolution seeking an emergency end to the tenancy prior to January 15, 2013; and

6. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the said application for dispute resolution or of the landlord's Notice.

Conclusion

The tenant and the landlord have reached a settled agreement.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession for the rental unit in the event the tenant fails to vacate the rental unit by January 15, 2013, at 1:00 p.m.

The order of possession is enclosed with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court in the event the tenant fails to comply with the terms of the order.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This settled agreement 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: December 20, 2012.

Residential Tenancy Branch