



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for landlord's use of property and to recover the filing fee from the landlord for the cost of the application.

The landlord and the tenant attended the conference call hearing, and the landlord was represented by legal counsel.

No issues with respect to service or delivery of documents or evidence were raised.

During the course of the hearing the parties agreed to settle this dispute on the following conditions:

- The Notice to End Tenancy for Landlord's Use of Property issued by the landlord and dated January 15, 2013 is hereby cancelled;
- The tenancy will continue for a fixed length of time, to expire on September 30, 2013 at 1:00 p.m. and the tenancy will end at that time;
- The tenant will be at liberty to provide the landlord with one month's notice to end the tenancy earlier than September 30, 2013 by giving such notice in writing to the landlord no later than one month prior to the effective date of the notice and must be given no later than the day before the date rent is payable under the tenancy agreement;
- In the event that the tenant ends the tenancy earlier than September 30, 2013 the landlord will not require the tenant to pay any rent beyond the effective date of the tenant's notice to end the tenancy, notwithstanding the fixed term.

Since the parties have been able to settle this dispute, I decline to order that the tenant recover the filing fee from the landlord.

Conclusion

For the reasons set out above, the notice to end tenancy dated January 15, 2013 is hereby cancelled.

I hereby order the parties to comply with the settlement agreement recorded above.

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: February 26, 2013

Residential Tenancy Branch

