



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, CNC, FF, O

Introduction

This hearing was convened by way of conference call concerning applications made by the landlord and by the tenant. The landlord has applied for an Order of Possession for cause and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for an order cancelling a notice to end tenancy for cause and to recover the filing fee from the landlord for the cost of the application.

Both parties attended the conference call hearing, gave affirmed testimony and provided evidentiary material to each other and to the Residential Tenancy Branch. The tenant had witnesses to call, none of which gave testimony. The parties were given the opportunity to cross examine each other on the evidence and testimony provided, all of which has been reviewed and is considered in this Decision.

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

During the course of the hearing, it was determined that the notice to end tenancy issued by the landlord is not in the approved form and cannot be upheld, and the parties agreed to settle this dispute on the following conditions:

1. Both parties will advise their guests that the Cedar Street driveway is for the tenant and for the tenant's mother to park while visiting the tenant, and no other persons will park in that driveway;
2. Deliveries for the landlord, if delivered to the tenant's driveway, will be redirected by the tenant to the landlord's driveway on 5th Avenue;
3. The tenant will be responsible for snow removal of the tenant's driveway and that of the tenant's mother;
4. The landlord will be responsible for clearing snow from the tenant's driveway to the mailbox.

Since the parties were able to settle this dispute, I decline to order that either party recover the filing fees from the other.

Conclusion

For the reasons set out above, the notice to end tenancy is cancelled.

I hereby order the parties to comply with the settlement agreement stated 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: January 03, 2013.

Residential Tenancy Branch

