



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause that the parties agree was issued and served to the tenant on April 30, 2013.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing.

Preliminary Matter

The tenant acknowledged receipt of a CD that had been given to her on May 13, 2013. The tenant was able to listen to an audio recording but could not 2 letters that had been placed on the CD. The landlord did not ensure that the tenant was able to view the digital evidence; therefore, he was given the opportunity to play the audio and to submit the balance of his evidence via oral testimony.

Further, the Rule of Procedure prohibits the submission of documents, such as letter, via digital evidence.

Mutually Settled Agreement

The landlord accepted the tenant's offer to relinquish possession of the rental unit on August 31, 2013. The parties then mutually agreed:

- The tenant will vacate the rental unit by August 31, 2013 at 1 p.m.;
- The landlord will be provided with an Order of possession effective August 31, 2013, at 1 p.m.

Therefore, pursuant to section 63(2) of the Act, I find and Order that the tenancy will end effective August 31, 2013 at 1 p.m. Based on the mutual agreement, I find that the landlord is entitled to an Order of possession for the agreed upon date and time.

Therefore, the landlord has been granted an Order of possession that is effective **at 1 p.m. on August 31, 2013**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This is a fixed-term tenancy and may not be ended prior to August 31, 2013, unless the end of the tenancy is made in accordance with the Act.

This decision and mutual 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: May 22, 2013

Residential Tenancy Branch

