



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** CNL, OLC, LRE, LAT, FF

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy. The tenant also applied for an order directing the landlord to comply with the *Act*, suspend the landlord's right to enter the unit and for authorization to change the locks. The tenant also applied for the recovery of the filing fee.

Both parties attended the hearing and had opportunity to be heard. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the other remedies that she is seeking in her application?

### **Background and Evidence**

The tenancy began on January 27, 2012. The rent is \$1,750.00, due on the first of the month and does not include utilities. On May 09, 2013, the landlord served the tenant with a one-month notice to end tenancy for landlord's use of property with an effective date of July 31, 2013.

The reasons for the notice were discussed at length. During the hearing, the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order.

During this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out on or before 1:00p.m. September 15, 2013.
2. The landlord agreed to allow the tenancy to continue till 1:00 p.m. on September 15, 2013. The landlord will be issued an order of possession effective this date.
3. The tenant agreed to pay utilities until the last day of the tenancy.
4. The landlord agreed to allow the tenant to live rent free for the period of August 15 to September 15, 2013, or the last month of the tenancy.
5. The landlord agreed to give the tenant at least 24 hours written notice prior to entering the rental unit
6. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.

Pursuant to the above agreement, I grant the landlord an order of possession effective on or before 1:00p.m. September 15, 2013. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As this dispute was resolved by mutual agreement and not based on the merits of the case, I decline the tenant's request to recover the filing fee paid for this application

### **Conclusion**

I grant the landlord an order of possession effective on or before **1:00p.m. September 15, 2013.**

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: June 05, 2013

---

Residential Tenancy Branch