



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Itziar Management Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy. The hearing was conducted via teleconference and was attended by the tenant and three agents for the landlord.

At the outset of the hearing the tenant asked for an adjournment as his advocate was ill and that he had arranged for an alternate advocate who was not available for twenty minutes. As this hearing was held the day before the effective date of the notice to end tenancy issued by the landlord I find an adjournment would prejudice the landlord and I dismissed the tenant's request for an adjournment.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

During the hearing the parties came to the following settlement:

1. The tenant withdraws his Application for Dispute Resolution;
2. The landlord withdraws the 1 Month Notice to End Tenancy for Cause issued on September 9, 2013; and
3. The tenant agrees to vacate the rental unit no later than November 30, 2013.

Conclusion

In support of this settlement and with agreement of both parties I grant the landlord an order of possession effective November 30, 2013 **after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: October 29, 2013

Residential Tenancy Branch