



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Veterans Memorial Manor
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to section 47 of the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice). Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that a representative of the landlord handed him the 1 Month Notice on September 13, 2013. The landlord confirmed that the tenant handed a copy of his dispute resolution hearing package to a landlord representative on September 16, 2013. I am satisfied that the above documents and the parties' written evidence were served to one another in accordance with the *Act*.

At the commencement of the hearing, the landlord testified that the landlord has not submitted a separate application for dispute resolution to the Residential Tenancy Branch. The landlord requested the issuance of an Order of Possession based on the 1 Month Notice if the tenant's application to cancel the 1 Month Notice were dismissed.

Issues(s) to be Decided

Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Background and Evidence

This periodic tenancy commenced on October 1, 2012. Monthly rent is set at \$395.00, payable in advance on the first of each month.

The landlord issued the 1 Month Notice after sending the tenant a number of letters and warnings regarding his behaviours. The landlord maintained that the tenant's behaviours were disruptive to the quiet enjoyment of many of those residing in this large multi-unit facility designed primarily for senior citizens.

Both the landlord and the tenant have been working with a support worker from a local outreach society with a view to identifying a more suitable housing option for the tenant.

The tenant's legal advocate said that the tenant is hopeful of finding alternative accommodations over the next month with the assistance of the support worker.

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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 the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding resolution of all matters currently under dispute arising out of this tenancy under the following terms:

1. The landlord agreed to withdraw the 1 Month Notice, with the effect that this tenancy continues for the next month.
2. Both parties agreed to a mutual end to tenancy to take effect on November 30, 2013 at 1:00 p.m., by which time the tenant agreed to have vacated the rental premises.
3. Both parties agreed that this settlement agreement constituted a final and binding resolution of all issues in dispute at this hearing and with respect to this tenancy.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, the 1 Month Notice is set aside and this tenancy continues. To implement the parties' settlement agreement to reach a mutual end to this tenancy by November 30, 2013, I issue the attached Order of Possession to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement by 1:00 p.m. on November 30, 2013. The landlord is provided with these Orders in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia. 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 30, 2013

Residential Tenancy Branch

