



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OLC FF

Introduction

This hearing was convened as a result of the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "*Act*"). The tenant applied to cancel a Notice to End Tenancy for Cause, for an order directing the landlords to comply with the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The tenant, landlord GB, legal counsel for the landlords, and a witness for the landlords, attended the hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

Preliminary and Procedural Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In this circumstance the tenant indicated two matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"). I find that not all the claims in the tenant's Application for Dispute Resolution are sufficiently related to be determined during this proceeding. I will, therefore, only consider the tenant's request to set aside the 1 Month Notice at this proceeding. The tenant's application for an order directing the landlords to comply with the *Act*, regulation or tenancy agreement is dismissed, with leave to reapply.

Settlement Agreement

During the hearing, the parties agreed to settle this matter, on the following conditions:

1. The parties agree that the tenancy will end on **January 31, 2014 at 1:00 p.m.**
2. The landlords are granted an order of possession effective January 31, 2014 at 1:00 p.m. The landlords must serve the tenant with the order of possession.
3. The parties agree to keep any noise to a minimum to try to not disturb the other party for the remainder of the tenancy. This includes not disturbing other occupants of the building.
4. If either party feels that they are being disturbed, they will note their concerns in writing and provide those concerns in writing to the other party.
5. The parties agree that the landlords withdraw the 1 Month Notice dated September 06, 2013 as part of this mutually settled agreement.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

I order the parties to comply with the terms of their mutually settled agreement described above.

The landlords have been granted an order of possession effective January 31, 2014 at 1:00 p.m. This order must be served on the tenant. This order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 13, 2013

Residential Tenancy Branch

