



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened by way of conference call in response to an application made by tenant to cancel a notice to end tenancy for cause and to recover the filing fee from the landlord for the cost of the application.

An agent for the landlord, the tenant and an advocate for the tenant appeared for the hearing. No issues in relation to the service of the hearing documents and evidence under the *Residential Tenancy Act* (referred to as the Act) for this hearing were raised by any of the parties.

At the start of the hearing, the tenant confirmed that she had been issued with a second notice to end tenancy for landlord's use of property which she had disputed in a separate application to be heard at a different date and time. As a result, the landlord and tenant indicated that they were willing to settle these matters.

Analysis & Conclusion

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 disputes.

Both parties agreed to settle the dispute in full under the following terms:

1. The landlord and tenant agreed to end the tenancy on February 15, 2014.
2. As a result, the tenant was agreeable to the landlord being issued with an Order of Possession effective for 1:00 p.m. on February 15, 2014 which the landlord can serve onto the tenant if the tenant fails to vacate on this date and time.

3. The landlord and tenant agreed that the tenant will pay rent in the amount of \$800.00 on January 1, 2014 which relates to the first two weeks of January, 2014. As a result, the tenant will not pay rent for the remaining period of the tenancy, January 15, 2014 to February 15, 2014, in order to satisfy the compensation requirements by the landlord as required by the notice to end tenancy for landlord's use of the property.
4. The tenant and landlord were agreeable to cancelling the tenant's application to dispute the notice to end tenancy for landlord's use of the property; as a result, the application has now been cancelled.

The landlord and tenant are cautioned that their rights and obligations for the return of the security deposit at the end of the tenancy are still in effect.

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective **February 15, 2014 at 1:00 p.m.**

This order is final and binding on the parties and may be enforced.

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: December 16, 2013

Residential Tenancy Branch

