



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was sufficiently served on the Tenant by posting on October 26, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on landlord on November 4, 2013. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated October 26, 2013?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on August 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$875 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$440 at the start of the tenancy.

The rent has been paid for December. On November 30, 2013 the tenant gave the landlord written notice that she was vacating the rental unit at the end of December 2013.

Settlement:

The parties mutually agree to end the tenancy on December 31, 2013 and consent to the arbitrator granting an Order for Possession for that date.

Order for Possession

As a result of the settlement I granted the landlord an Order for Possession effective December 31, 2013. The claim for the cost of the filing fee is dismissed as it was not part of the settlement.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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

