



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC, FF, MNDC

Introduction

This Application for Dispute Resolution was to deal with an application by the tenant seeking to cancel the One-Month Notice to End Tenancy for Cause.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing.

During the proceedings a mediated discussion ensued between the parties. And they came to a mutually agreeable resolution the terms of which are as follows:

- The tenant will vacate the unit on or before February 28, 2014 at 1:00 p.m. and the landlord will be issued an enforceable Order of Possession effective on that date.
- In addition, if the tenant manages to find a suitable place to relocate prior to the February 28, 2014 deadline, the tenant is at liberty to end the tenancy earlier by giving the landlord written notice to end the tenancy. The tenant will only be responsible to pay, on the date the tenant's notice is given, only the proportion of the monthly rent due as pro-rated to the effective end date shown on the tenant's notice.
- If the tenant has any concerns about tenancy matters, the tenant is required to contact the landlord's agent, whose name, phone number and email were provided during the hearing. Otherwise, both the landlord and the tenant will restrict all of their communications to written form unless not possible.
- The amended portion of the tenant's application seeking monetary compensation for damages is hereby severed from the portion of the application dealing with the tenant's request to cancel the One-Month Notice to End Tenancy for Cause. The tenant's monetary claim is dismissed, with leave to reapply.

- The refund of the tenant's security deposit will be in compliance with the provisions contained in section 38 of the Act.

Based on the agreement reached by the parties during these proceedings, I grant the landlord an Order of Possession effective Friday, February 28, 2014 at 1:00 p.m. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The parties reached an agreement with respect to the dates and terms for ending this tenancy. The portion of the tenant's application seeking monetary compensation is dismissed with leave to reapply.

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: January 14, 2014

Residential Tenancy Branch

