



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC

Introduction

This teleconference was scheduled to hear the Tenant's Application for Dispute Resolution seeking to cancel a Notice to End Tenancy for Cause.

The Hearing was attended by both parties and the Landlord's witness, who gave affirmed testimony.

This matter was scheduled to be heard on February 14, 2014, by teleconference. At the initial teleconference, the Tenant testified that he served the Landlord with the Notice of Hearing documents by registered mail, but he did not have the receipt and could not remember the date that he mailed the documents. The Landlord confirmed that he received the Notice of Hearing documents in a timely fashion.

The Landlord provided documentary evidence to the Residential Tenancy Branch on February 7, 2014, and stated that he mailed the documents to the Tenant, by express overnight post on February 8, 2014. The Landlord provided the tracking numbers for the registered documents. A search of Canada Post's website indicated that an attempted delivery was made on February 10, 2014, and that a notice was left for the Tenant indicating where the package could be picked up. The Tenant testified that he does not check his mail every day and that he did not see the notice.

I advised the parties about the time lines set out in the Rules of Procedure with respect to service of documents and explained that the Landlord's documents were late. The Landlord stated that he provided the documents, which included witness statements, as soon as he could; but that because of the short time between receipt of the Tenant's application and the date of the Hearing, he was unable to provide them sooner.

The Landlord requested an adjournment. The Tenant did not object. This matter was adjourned in order to allow the Tenant to pick up the documents at the postal outlet.

At the reconvened Hearing, the Tenant acknowledged that he had picked up the documents.

Settlement

During the course of the reconvened Hearing, the parties came to a mutual agreement with respect to the end of the tenancy. I hereby record the terms of their settlement agreement, pursuant to the provisions of Section 63 of the Act:

1. The parties reached a mutual agreement that the tenancy will end at 1:00 p.m. on August 1, 2014.

Conclusion

In support of this settlement, I grant the Landlord an Order of Possession effective **1:00 p.m., August 1, 2014**, which may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: April 30, 2014

Residential Tenancy Branch

