



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW DECISION

Dispute Codes CNC, OPC

Introduction

On August 21, 2014, the landlord's application for dispute resolution was dismissed and the tenant's application to cancel the notice to end tenancy was granted. The landlord was not present at the hearing.

On August 21, 2014, the landlord filed an application for review consideration on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's. The landlord's application for review consideration was granted. The decision dated August 21, 2014 was suspended pending the outcome of the new hearing scheduled for October 21, 2014.

On October 21, 2014, the original decision made on August 21, 2014, was set aside and the landlord's application for an order of possession was granted. The tenant was not present at the new hearing.

On October 30, 2014, the tenant filed an application for review consideration on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's. The tenant's application for review consideration was granted. The decision dated October 21, 2014 was suspended pending the outcome of the new hearing scheduled for November 27, 2014.

The arbitrator at the new hearing may confirm, vary or set aside the original decision and orders.

This new hearing was convened in response to applications by the landlord and the tenant.

The landlord's application seeks an order as follows:

1. For an order of possession.

The tenant's application and order as follows:

1. To cancel a 1 Month Notice to End Tenancy for Cause, issued on June 10, 2014.

Both parties appeared. After hearing the testimony of both parties, the parties agreed to settle these matters on the following conditions:

1. The parties agreed to end the tenancy by mutual agreement with an effective vacancy date of January 31, 2015;
2. The tenant must pay rent for December 2014 and January 2015; and
3. The landlord is entitled to an order of possession effective on the above mentioned date.

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

As a result, the decision and order made on October 21, 2014, are set aside and replaced with this decision.

Conclusion

The decision and order made on October 21, 2014, are set aside and replaced with this decision.

As a result of the above settlement, the landlord is granted an order of possession.

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: November 27, 2014

Residential Tenancy Branch

