



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants to cancel a 1 Month Notice to End Tenancy for Cause (the “Notice”) issued to the Tenant on September 12, 2014.

An agent for the Landlord, and one of the Tenants named on the Application who was also representing the Tenant residing in the rental unit, appeared for the hearing.

At the start of the hearing, I determined that the Tenant had applied to dispute the Notice within the time limits stipulated by Section 47(4) of the *Residential Tenancy Act* (the “Act”).

Before the parties were invited to provide and present their evidence for this dispute, I offered the parties an opportunity to settle this matter through mutual agreement. The Landlord indicated that she intended to end the tenancy. After a discussion about the potential outcomes of this hearing, the Tenant and Landlord’s agent had a discussion about a date to end the tenancy that would allow the Tenant sufficient time to find alternative accommodation over the winter period and in a difficult rental market.

The parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of the dispute by agreeing to mutually end the tenancy.

Settlement Agreement

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. Both parties agreed to end the tenancy under the following terms:

1. The parties agreed to end the tenancy on **March 15, 2015** which gives the Tenant sufficient time to vacate the rental suite and find new accommodation.

2. The Tenant is allowed to vacate the rental suite at an earlier time if he is able to find suitable accommodation in the interim time period. If this occurs, the Landlord's agent agreed that the tenancy will be mutually ended to allow the Tenant to leave at the earliest opportunity.
3. At the end of the tenancy the Tenant is required to remove all his belongings and give back to the Landlord vacant possession of the rental suite which must be reasonably cleaned and undamaged.
4. The Tenant is still responsible to pay rent for the duration of the tenancy until it is ended in accordance with the Act.

In order to give effect to the agreed conditions, the Landlords are issued with an Order of Possession which is dated effective March 15, 2015. This order may be enforced **only** if the Tenant fails to vacate the rental suite by the agreed date. Copies of these orders are attached to the Landlords' copy of this decision. This agreement is legally binding.

The Tenant is cautioned that the Landlords are still at liberty to use remedies under the Act to end the tenancy earlier than the agreed date recorded in this decision. As a result, the Tenant should seek to continue his tenancy in accordance with the requirements of the Act and his tenancy agreement. The parties are still also required to follow the provisions of the Act in relation to the return of the Tenants' security deposit at the end of the tenancy.

Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favor of the Landlords effective **at 1:00 pm on March 15, 2015**. This order may be filed and enforced in the Supreme Court as an order of that court if the Tenant fails to vacate the rental suite on this date and time.

As the Tenant agreed to end the tenancy through mutual consensus, the Tenants' Application for the recovery of the filing fee is dismissed.

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 13, 2014

Residential Tenancy Branch

