



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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 document entitled Eviction Notice (not on the Residential Tenancy Branch form) was personally served on the Tenant on October 18, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Tenant was sufficiently served on the landlord on October 24, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy?

Background and Evidence

The tenancy began on October 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$950 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$425 at the start of the tenancy. The tenant testified she has found a new place and expects to take possession on December 17, 2014.

Settlement:

During the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on December 17, 2014.
- b. The parties request the arbitrator to issue an Order for Possession for December 17, 2014.
- c. The parties agree that provided the tenant vacates the rental unit on or before December 17, 2014 the tenant shall be responsible to pay the pro rata rent for the period December 1, 2014 to December 17, 2014 in the sum of \$520.97 (\$950 divided by 31 days multiplied by 17 days) only and the landlord waives its claim for rent for the balance of December..
- d. The tenant shall pay the \$520.97 by December 11, 2014.
- e. The parties shall conduct an inspection after the tenant vacates the rental unit and the security deposit shall be dealt with after that date.

Determination and Orders

As a result of the settlement I issued an Order for Possession effective December 17, 2014.

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 03, 2014

Residential Tenancy Branch

