



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, DRI, FF

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 Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenant moved into the rental unit on May 1, 2012. On April 1, 2014 the parties entered into an agreement in writing that provided that the rent was \$925 per month payable in advance but that the tenant was entitled to a 50% deduction as she was an employee of the landlord. The tenancy records the tenant paid a security deposit of \$462.50.

The tenant's employment was terminated on October 22, 2014. On November 30, the tenant gave the landlord written notice she was vacating the rental unit at the end of December. The landlord gave the tenant a one month notice that set the end of tenancy date for December 31, 2014. In addition the landlord has served a 10 day Notice to End Tenancy for non-payment of rent.

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 31, 2014.
- b. The parties request the arbitrator to issue an Order for Possession for that date.

As a result of the settlement I issued an Order for Possession effective December 31, 2014. The tenant's application to recover the cost of the filing fee is dismissed.

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 12, 2014

Residential Tenancy Branch

