



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing. A copy of the Notice was supplied by the tenants; no other written submissions were made.

### **Preliminary Matters**

The parties agreed that the tenants applied on December 8, 2014, to cancel the Notice, received on November 28, 2014. The tenants had 10 days in which to apply to cancel the Notice. The 10<sup>th</sup> day fell on a weekend. I determined that the tenants had applied within 10 days, as the 10<sup>th</sup> day fell on a weekend; a day the Residential Tenancy Branch and government offices are closed. This decision was made based upon the definition of days included in the Residential Tenancy Rules of Procedure:

#### ***Days***

- a) If the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not a holiday.*
- b) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.*
- c) In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months or years, the first and last days must be excluded.*
- d) In the calculation of time not referred to in subsection (c), the first day must be excluded and the last day included.*

The landlord objected to the interpretation of days; the definition of the calculation of days was explained.

### **Mutually Settled Agreement**

The tenants applied to cancel a 1 month Notice ending tenancy for unpaid rent issued on November 25, 2014. The tenants said they are hoping to obtain low-income housing but needed to complete this hearing before housing could be offered. The tenants said that they planned on vacating and did not wish to remain in the unit. The tenants stated that they will vacate the unit on January 31, 2015. This decision was carefully reviewed

with the tenants and they understood the hearing could proceed. The parties were informed that the landlord had the burden of proving the reasons on the Notice ending tenancy.

The landlord agreed the tenants could remain in the rental unit until the end of January 2015. The tenants have paid rent for January. No discussion occurred in relation to possible reinstatement.

The tenants agreed that the landlord should be issued an Order of possession for 1 p.m. on January 31, 2015; which would then require they give the landed vacant possession of the rental unit. The tenants confirmed will vacate at that time.

### ***Opportunity to settle dispute***

**63** *(1) The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

*(2) If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, in support of the mutually settled agreement to end the tenancy I find and Order that the tenancy will end effective 1 p.m. on January 31, 2015.

The landlord has been granted an Order of possession that is effective **at 1 p.m. on January 31, 2015**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

### **Conclusion**

The parties reached a mutually settled agreement to end the tenancy.

The landlord has been issued an Order of possession.

This decision is final and binding and 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: January 09, 2015

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Residential Tenancy Branch

