



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coast Realty Group (Comox Valley) Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This is an application filed by the tenants to cancel a notice to end tenancy issued for cause pursuant to section 47 of the Residential Tenancy Act (the Act).

Both parties attended the hearing by conference call and gave testimony. Both parties confirmed receipt of the tenants' notice of hearing package. The tenant, N.M. confirmed that no documentary evidence was submitted by the tenants and that she had received the landlord's documentary evidence package.

Both parties confirmed in their direct testimony that the tenant was served with a 1 Month Notice to End Tenancy issued for Cause dated February 23, 2015. The parties agreed in their direct testimony that the Notice was personally served to the tenant, N.M. on March 6, 2015.

Issue(s) to be Decided

Are the tenants entitled to an order cancelling the notice to end tenancy?

Background and Evidence

This tenancy began on May 15, 2012 on a fixed term tenancy ending on April 30, 2013 and then thereafter on a month-to-month basis as shown by the submitted copy of the signed tenancy agreement dated April 30, 2012. The monthly rent is \$1,300.00 payable on the 1st Day of each month and a security deposit of \$650.00 and a pet damage deposit of \$500.00 were paid.

Both parties agreed that the landlord had served the tenants with a 1 Month Notice to End Tenancy issued for Cause (the 1 Month Notice) dated February 23, 2015. The 1

Month Notice displayed an effective end of tenancy date of March 31, 2015. The 1 Month Notice also identified 3 reasons for cause as:

- Tenant or a person permitted on the property by the tenant has put the landlord's property at significant risk;
- Tenant has not done required repairs of damage to the unit/site; and
- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

During the hearing both parties entered into discussions in the hopes of a settlement by which a mutual agreement to end the tenancy could be achieved, while addressing the landlords' concerns.

Analysis

Pursuant to section 63 of the Act, an 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. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During this hearing, the parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant agreed to withdraw her application.
2. The landlord agreed to withdraw the 1 Month Notice.
3. Both parties agreed to mutually end the tenancy on April 30, 2015 at or before 1 pm, by which time the tenant agreed to have vacated the rental unit.

The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenants' application is withdrawn. The landlord's 1 Month Notice is cancelled.

The attached order of possession is to be used by the landlord if the tenant does not vacate the rental premises in accordance with their agreement. The landlord is provided with this order in the above terms and the landlord should serve the tenant with this order so that it may enforce it in the event that the tenant does not vacate the

premises by the time and date set out in their agreement. Should the tenant fail to comply with this order, this order may be filed and enforced as an order of the Supreme Court of British Columbia.

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: April 02, 2015

Residential Tenancy Branch

