



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The tenant and landlord both appeared. The tenant was accompanied by his advocate. The landlord was accompanied by his agent. Each party admitted service of the other's evidence.

In the course of the hearing the parties were able to reach an agreement to end the tenancy.

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 his application
2. The landlord agreed to withdraw the 1 Month Notice.
3. The tenant agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 31 December 2015.

4. The landlord agreed to pay to the tenant \$525.00 on or before 1 December 2015 as compensation.

The tenant stated that he understood the terms of this agreement. The agent confirmed he had authority to bind the landlord to the agreement. The agent stated that he understood the terms of this agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of their disputes for both parties.

Conclusion

The tenant's application is withdrawn.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

I issue a monetary order in the tenant's favour in the amount of \$525.00 enforceable on or after 1 December 2015. The tenant is provided with a monetary order in the above terms and the landlord(s) must be served with this order as soon as possible. Should the landlord(s) fail to comply with this order, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The landlord is provided with a formal copy of an order of possession effective 31 December 2015. 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 subsection 9.1(1) of the Act.

Dated: October 15, 2015

Residential Tenancy Branch

