



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought an Order cancelling a Notice to End Tenancy for cause issued on August 28, 2015 (the "Notice").

Both parties appeared at the hearing. The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

Settlement

During the hearing the parties resolved matters by mutual agreement. Pursuant to section 63 of the *Residential Tenancy Act*, I record their settlement in this my Decision. The terms of the parties' settlement are as follows:

1. The Landlord's representatives, P.N., K.M, and T.D., shall be permitted to enter the rental unit at 12:00 noon on November 4, 2015. The purpose of this entry is to conduct an inspection of the rental unit, to take photos, and to determine if the rental unit's condition is the same or similar condition to that which gave rise to the issuance of the Notice.
2. Should the rental unit be in the same or similar condition to that which gave rise to the Notice, the Landlord shall be at liberty to apply for an Order of Possession based on the Notice.

The Tenant's application to dispute the Notice on September 4, 2015 is dismissed with leave to reapply.

Should the Landlord decide, based on the inspection on November 4, 2015, that they intend to proceed on the Notice and seek an Order of Possession, they shall serve the Tenant written Notice (and must make specific reference to this Decision) in accordance with section 89 of the *Residential Tenancy Act*. In the event the Landlord serves the Tenant such written Notice, the Tenant shall have five days from the date of effective service to dispute the Notice by reapplying for Dispute Resolution.

In the event the Landlord does not proceed on the Notice and seek an Order of Possession, the Landlord is encouraged to reduce the Tenant's December rent by \$50.00 representing the filing fee paid to file his application on September 4, 2015

Conclusion

The parties resolved all matters by mutual agreement. The terms of their agreement are incorporated in this my Decision.

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: November 03, 2015

Residential Tenancy Branch

