



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HAMILTON HARRON FUNERAL HOME
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

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

The tenant attended at the scheduled time. The tenant was assisted by KM and her advocate. The landlord's agent attended. The landlord was represented by counsel.

In the course of the hearing the parties were able to agree to terms under which the tenancy would end.

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 conditional resolution of their dispute.

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

1. The tenant conditionally agreed to withdraw her application.
2. The landlord conditionally agreed to withdraw the 1 Month Notice.
3. The tenant agreed to accept assistance from community groups in maintaining the rental unit.
4. The tenant agreed to provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 29 February 2016.

The tenant and landlord agreed to these terms.

The agreement is subject to review at 1530 on 18 December 2015. If the tenant is accepting assistance from the community groups in the maintenance of the rental unit pursuant to paragraph 3 of the agreement, the tenancy will continue until 29 February 2016. If the tenant is not accepting assistance from the community groups, the landlord reserves the right to make an application at the 18 December 2015 hearing to enforce the 1 Month Notice and end the tenancy earlier than 29 February 2016.

Counsel and the advocate will write to the Residential Tenancy Branch on or before 0800 on 18 December 2015 to advise me whether or not paragraph 3 of the agreement is being met. The parties may use the fax number on the covering page of this decision. If the parties agree that paragraph 3 of this agreement is being met, the parties do not need to attend on 18 December 2015 and may cancel the hearing.

The parties agreed that, subject to the condition set out above, these particulars comprise the full and final settlement of all aspects of their disputes for both parties. If the condition in paragraph 3 is satisfied as at 18 December 2015, this agreement becomes final and binding on both parties.

Conclusion

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: November 20, 2015

Residential Tenancy Branch

