



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants to cancel a 1 Month Notice to End Tenancy for Cause (the “Notice”) dated August 26, 2015, and to recover the filing fee.

Both Tenants and the Landlord appeared for the hearing and provided affirmed testimony. The Landlord confirmed receipt of the Tenants’ Application and the Tenants’ documentary evidence prior to the hearing. The Tenants confirmed receipt of the Landlord’s documentary evidence prior to 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 and to cross-examine the other party, and make submissions to me.

The parties confirmed that the Notice had been personally served to the Tenants on August 26, 2015. The parties provided a copy of the Notice into evidence. I also confirmed that the Tenants had applied to dispute the Notice within the 10 day time limit stipulated by Section 47(4) of the *Residential Tenancy Act* (the “Act”).

Both parties provided evidence and made submissions in relation to the Notice. At the conclusion of the hearing, I offered the parties an opportunity to settle this matter by way of a settlement agreement.

The Tenants suggested that the tenancy should end on January 31, 2015. However, the Landlord was not willing to allow the tenancy to continue for that long. As a result, the Landlord offered the Tenants to stay in the rental unit until December 15, 2015 provided rent was paid for this period. However, the Tenants were not willing to pay rent for the

December period and decided that they would rather vacate the rental unit at the end of November 2015. The Landlord confirmed her agreement to this date.

Settlement Agreement

Pursuant to Section 63 of the Act, the 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.

As the parties agreed to end the tenancy by way of mutual agreement on November 30, 2015, the Notice and Application to cancel the Notice is now a moot issue and was hereby withdrawn.

In order to give effect to this agreed date, the Landlord is issued with an Order of Possession which is effective at 1:00 p.m. on November 30, 2015. This order may be enforced only if the Tenants fail to vacate the rental suite by the agreed date. Copies of this order are attached to the Landlord's copy of this decision.

As the parties agreed to end the tenancy, I find that the Tenants' claim to recover the filing fee is hereby dismissed. This file is now closed.

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 09, 2015

Residential Tenancy Branch

