



# 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 for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47 OF the *Residential Tenancy Act* (the Act).

The tenant and landlord appeared. The tenant was assisted by BS and KP. The landlord was assisted by DP.

In the course of the hearing the parties were able to agree to conditions under which the tenancy would continue on a trial basis.

### 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 this dispute.

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

1. The tenant's application is withdrawn.
2. The landlord agreed to withdraw the 1 Month Notice.
3. The tenant agreed to the following conduct:
  - a. The tenant will move her television to the opposite wall of the living room.
  - b. The tenant will use headphones to watch television after 2300.

- c. The tenant and her son will not go to the unit next door.
4. On or before 31 March 2016, the landlord will advise the tenant in writing if the tenant is in breach of this agreement.
5. If the landlord advises the tenant that she is in breach of this agreement on or before 31 March 2016, the tenant will provide possession of the rental unit to the landlord on or before one o'clock in the afternoon on 30 April 2016.

The parties stated that they 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.

The landlord was cautioned at the hearing that he may be liable to pay compensation to the tenant if the landlord does not use the order of possession in accordance with this agreement.

#### Conclusion

The tenant's application is withdrawn. The landlord's 1 Month Notice is withdrawn.

The attached order of possession is to be used by the landlord in accordance with the above 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: January 05, 2016

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Residential Tenancy Branch

