



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes

CNC FF

Introduction

This hearing was convened in response to an application by the tenant to cancel a One Month Notice to End Tenancy For Cause (the Notice), dated May 14, 2016 and served on the tenant the same date.

Both parties attended the hearing and were given opportunity to present all relevant evidence and testimony in respect to this matter and to make relevant prior submission of evidence to the hearing and participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

It must be noted that in this type of application, the burden of proof rests with the landlord to provide evidence the Notice was validly issued for the stated reason(s) and that the reason(s) must be sufficient to end the tenancy.

At the outset of the hearing the landlord initially sought for the tenancy to end, however then turned their mind to compromise and determined to conditionally withdraw the Notice to End.

Section 63 of the *Residential Tenancy Act (the Act)* provides that if the parties settle their dispute during a hearing the Director may record the settlement in the form of a Decision or/and an Order. Pursuant to the foregoing, some discussion between the parties during the hearing led to a settlement / resolution. Specifically, the parties agreed and confirmed to me as follows;

1. The landlord **withdraws their Notice to End dated May 14, 2016**, upon the tenant's acknowledgment that, moving forward,

2. **The tenant will be mindful** of the number of visitors or guests in the rental unit and the potential resulting impact as to noise and possible disruption to other occupants of the residential property, and that all noise will cease at a reasonable time.
3. The parties agree that on the above terms the tenancy will continue in accordance with the tenancy agreement.

The above particulars comprise **full and final settlement** of all aspects of the dispute arising from this application.

As the tenant was in part successful in their application, I grant the tenant partial recovery of the filing fee in the amount of \$50.00.

Conclusion

The parties have agreed the landlord withdraws their Notice to End dated May 14, 2016 and moving forward the tenant will endeavour to mitigate their guests and intrusions on other occupants of the residential property.

I Order that the tenant may deduct \$50.00 from future rent in satisfaction of the filing fee.

The tenancy continues pursuant to the tenancy agreement.

This Decision and Settlement agreement is final and binding on both parties.

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: June 21, 2016

Residential Tenancy Branch