



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC CNC OLC FF

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* for Orders as follows:

Landlord:

- an order of possession for cause pursuant to section 55;

Tenant:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order for the Landlord to comply with Act, Regulations or the Tenancy Agreement, pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement. I agreed to assist the parties in settling their dispute in accordance with section 63 of the *Act*.

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 their dispute.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to withdraw the 1Month Notice to End Tenancy dated June 5, 2016.
2. The landlord and tenant agree **that this tenancy will end no later than 1:00 p.m. on September 15, 2016**, and may be ended sooner by the tenant upon 10 days written notice to the Landlord.
3. The landlord will receive an **Order of Possession** effective **1:00 p.m. on September 15, 2016**.
4. The landlord agrees that the tenant is entitled to withhold rent for the period of July 15, 2016 to August 14, 2016.
5. The tenant's application to order the landlord to comply with the tenancy agreement is withdrawn as internet services have been restored.
6. The tenant agreed to waive his application to recover the filing fee.

Each party confirmed that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute. **This Decision and Settlement Agreement is final and binding on both parties.**

Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on September 15, 2016**. Should the tenant(s) 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 Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 07, 2016

Residential Tenancy Branch