



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FRASERSIDE COMMUNITY SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause ("1 Month Notice") pursuant to section 47.

Both parties attended the hearing and were given an opportunity to be heard, to present sworn testimony and to make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Background

This tenancy began as a fixed term with a rental amount of \$...00 payable in 2015. The landlord provided evidence of several complaints by neighbouring tenants regarding loud music, and poor behaviour as well as police incident numbers indicating police calls regarding the tenant. After discussion by all of the parties, the tenant agreed to vacate the residence by October 31, 2016 and the landlord would be provided with an Order of Possession to reflect that date. The landlord agreed to notify the tenant by October 15, 2016 to advise her whether decreased complaints by neighbours will result in the landlord allowing the tenant to reside in the unit for an additional month.

Analysis

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. Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision:

The Parties mutually agreed as follows:

1. The tenant agreed to vacate the premises on October 31, 2016 at 1:00 pm at the request of the landlord.
2. The landlord agreed to provide any request to vacate by October 31, 2016 in writing to the tenant by October 15, 2016.
3. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

The landlord will be issued an Order of Possession: it will be at their discretion to enforce this order.

Conclusion

To give effect to the settlement reached between the parties, the landlord is provided with a formal copy of an Order of Possession effective October 31, 2016 to be used only in the event that the landlord has provided 15 days' notice that the tenant shall vacate the residence. 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: September 14, 2016

Residential Tenancy Branch

