



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC MT

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 66 and cancellation of the landlord's 1 Month Notice to End Tenancy pursuant to section 47.

Both parties and their representatives 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 and Evidence

The landlord's representative testified that the tenant's behaviour has resulted in several noise complaints from his upstairs neighbour. The landlord's representative also testified that the landlord is concerned about the condition of the tenant's rental unit. The tenant's representative submitted that the tenant is prepared to abide by the rules of the residential premises and find a new residence by October 31, 2016.

### 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 abide by the residence rules regarding noise levels and times as well as any relevant by-laws until he vacates the rental unit.
2. The tenant agreed to vacate the rental unit on or before October 31, 2016 at one in the afternoon.
3. The parties agree that they will address the security deposit at the end of tenancy following the provisions of the *Act* provided above and any other relevant sections.
4. These terms comprise the full and final settlement of all aspects of this dispute for both parties.

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. 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 Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 20, 2016

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Residential Tenancy Branch