



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NEWPORT PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

During the hearing the parties reached a mutual agreement in resolution of this dispute that I have recorded by way of this decision and the Order that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

The parties mutually agreed to the following terms during the hearing in resolution of this dispute:

1. The tenants shall be permitted use and occupation of the rental unit up to November 30, 2016 at which time the tenants will return vacant possession of the rental unit to the landlord and the landlord shall be provided an Order of Possession with this decision with an effective date of November 30, 2016.
2. The tenants are obligated to pay for use and occupation of the rental unit for the month of November 30, 2016 by making their ordinary rent payment to the landlord on or before November 1, 2016.
3. Should the tenants find new accommodation and are able to move out prior to November 30, 2016 the tenants shall give the landlord written notice at least one week in advance.

4. Should the tenants return vacant possession of the rental unit to the landlord earlier than November 30, 2016 the landlord is agreeable to pro-rating the rent received for November 2016 and returning to the tenants the portion paid for days after vacant possession is returned.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted the mutual agreement reached by the parties during this hearing and make the terms an Order to be binding upon both parties.

In recognition of the settlement agreement I provide the landlord with an Order of Possession with an effective date of November 30, 2016 to serve and enforce as necessary and appropriate.

Conclusion

The parties reached a mutual agreement in resolution of this dispute that I have recorded by way of this decision. In recognition of the mutual agreement the landlord is provided an Order of Possession with an effective date of November 30, 2016.

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: October 20, 2016

Residential Tenancy Branch

