



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Railtown Land Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

CNC

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

The Advocate for the Tenant stated that on September 28, 2016 the Application for Dispute Resolution, the Notice of Hearing, and the three pages of evidence that were submitted with the Application were sent to the Landlord, via registered mail. The Agent for the Landlord acknowledged receipt of the evidence and it was accepted as evidence for these proceedings.

On November 09, 2016 the Landlord submitted 16 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was served to the Tenant, by registered mail, on November 09, 2016. The Tenant acknowledged receipt of the evidence and it was accepted as evidence for these proceedings.

### Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

### Background and Evidence

At the outset of the hearing the Agent for the Landlord and the Tenant mutually agreed to settle this dispute under the following terms:

- the tenancy will end, by mutual consent, on February 28, 2017;
- when the rental unit is vacated the Landlord will returned the Tenant's security deposit of \$220.00;
- when the rental unit is vacated the Landlord will pay the Tenant an additional \$100.00;
- within 7 days of receiving rent of \$452.00 for February of 2017 from a third party, the Landlord will pay that amount to the Tenant.

Analysis

This disputed has been settled in accordance with the aforementioned terms.

Conclusion

On the basis of the settlement agreement, I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on February 28, 2017. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

On the basis of the settlement agreement, I grant the Tenant a monetary Order for \$772.00. This Order may not be enforced until after the rental unit has been fully vacated. In the event the monetary Order is enforced, it must be reduced by any amounts outlined by the settlement agreement that the Landlord has paid to the Tenant.

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: November 21, 2016

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Residential Tenancy Branch