



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 Tenant stated that on October 06, 2016 the Application for Dispute Resolution, the Notice of Hearing, and 8 pages of evidence submitted with the Application were sent to the Landlord, via registered mail. The Landlord acknowledged receipt of these documents and the evidence was accepted as evidence for these proceedings.

On November 14, 2016 the Landlord submitted 2 pages of evidence to the Residential Tenancy Branch. The Landlord stated that these documents were posted on the Tenant's door on November 22, 2016. The Tenant acknowledged receipt of these documents.

The parties were advised that the Landlord's evidence was not served within the timelines established by the Residential Tenancy Branch Rules of Procedure, which require that a respondent's evidence be received by the applicant no later than 7 days prior to the hearing. The parties were advised that the Landlord's evidence was not being accepted as evidence for these proceedings as it was only served to the Tenant two days prior to the hearing.

The Landlord was advised that the Landlord would be able to refer to the evidence and that if, during the hearing, the Landlord believed it was necessary for me to physically view the evidence the Landlord could request an adjournment. This hearing was concluded without the Landlord requesting an adjournment.

### 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

Prior to discussing any evidence the Landlord and the Tenant mutually agreed to settle this dispute by agreeing that the tenancy will end, by mutual consent, on December 31, 2016.

### Analysis

The parties have mutually agreed to settle this dispute by ending the tenancy on December 31, 2016.

### Conclusion

On the basis of the settlement agreement I grant the Landlord an Order of Possession that is effective on at 1:00 p.m. on December 31, 2016. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement is recorded 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 24, 2016

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Residential Tenancy Branch