



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding IRCA GROUP MOUNTAIN PROJECT CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

This hearing dealt with the tenant's application pursuant to the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony.

At the outset, both parties confirmed that a mutual agreement had been reached and wished to register this agreement as a settlement with the Residential Tenancy Branch.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. The tenant agrees to cancel his application for an order to cancel the 2 Month Notice and recovery of the filing fee.
2. Both parties agreed that the landlord shall return the tenant's December rent cheque and will forgo payment of the monthly rent for December 2016.
3. Both parties agreed that the landlord shall make payment to the tenant of \$1,882.50 which is equal to 1 ½ months rent as compensation.
4. Both parties agreed that the tenant shall vacate the rental unit by December 31, 2016.

5. Both parties agreed that at the tenant's option to leave 2 beds and 1 couch for disposal at the landlord's expense.
6. Both parties agreed that the tenant shall give access to the landlord's contractor for an asbestos inspection on December 21 or 22 of 2016.

Pursuant to this agreement the landlord will be given an order of possession to reflect condition #4 of this agreement. Should it be necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.

The above particulars comprise full and final settlement of all aspects of the dispute arising from this application for both parties.

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: December 16, 2016

Residential Tenancy Branch