



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction and Analysis

This hearing dealt with a tenant's Application for Dispute Resolution (the "Application") under the Residential Tenancy Act (the "Act") for:

- cancellation of the landlord's One Month Notice To End Tenancy for Cause (the "One Month Notice"); and
- recovery of the filing fee paid for this application from the landlord.

Both the landlord and the tenants appeared at the teleconference hearing and gave affirmed testimony.

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. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

During the course of the hearing, the parties reached an agreement to settle this matter, on the following conditions:

1. the landlord agrees to withdraw the One Month Notice dated October 25, 2016;
2. the tenant will vacate the rental unit by January 31, 2017; and
3. the tenant will not play music between the hours of 10:00 p.m. and 8:00 a.m.

I grant the landlord an order of possession, effective January 31, 2017 at 1:00 p.m.

If the tenant fails to comply with the terms of this settlement agreement, the landlord may serve the order of possession on the tenant. If the landlord serves the order of possession on the tenant and the tenant fails to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the *Act*. Should either party violate the terms of this agreement, the tenancy agreement or the *Act*, it is open to the other party to take steps under the *Act* to end the tenancy earlier or apply for monetary compensation or other orders under the *Act*.

As this matter was settled, I decline to award the tenant recovery of the filing fee for the cost of their application.

Conclusion

Pursuant to section 55, I grant an Order of Possession to the landlord **effective January 31, 2017 at 1:00 p.m.**, subject to the tenant being served with this Order. 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: December 20, 2016

Residential Tenancy Branch