



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT, OLC, OPC, FF

Introduction

This hearing was scheduled to deal with cross applications. The tenant had applied to cancel a 1 Month Notice to End Tenancy for Cause and an extension of time to make the application; and, orders for compliance. The landlord had applied for an Order of Possession 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.

At the commencement of the hearing the landlord's agent indicated that a mutual agreement was being explored with the parties shortly before the hearing commenced. At that point the landlord's witnesses were excluded from the proceeding and the parties were given the opportunity to discuss a mutual agreement. A mutual agreement was reached during the hearing and I have recorded the terms of the agreement 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 upon the following terms in resolution of these applications:

1. The tenancy will continue until noon on April 1, 2017 at which time the tenant will return vacant possession of the rental unit to the landlord or landlord's agent.
2. The tenant remains obligated to pay rent for the months of February 2017 and March 2017 in accordance with the tenancy agreement.
3. The landlord waives entitlement to collect rent for the one day of occupancy on April 1, 2017.

4. Both parties agree to waive recovery of the filing fees paid for their respective applications.
5. During the remainder of the tenancy the tenant shall avoid having any contact with the tenant occupying the lower rental unit. If the tenant has any issues concerning the lower unit tenant the tenant shall raise those issues with the landlord's agent.

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

In recognition of the mutual agreement, I provide the landlord with an Order of Possession that is effective at noon on April 1, 2017.

Conclusion

The parties resolved their dispute by way of a mutual agreement. In recognition of the mutual agreement I provide the landlord with an Order of Possession effective at noon on April 1, 2017.

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: January 03, 2017

Residential Tenancy Branch