



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BELMONT PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on December 22, 2016. The Tenant filed seeking an Order to cancel a 1 Month Notice to end tenancy issued for cause and to recover the cost of the filing fee.

Upon review of the Tenant's application both parties confirmed the Landlord was a corporate Landlord and the named respondent was an agent for the Landlord. Neither party raised issues or concerns with amending the style of cause to include the corporate Landlord's name. As such, the style of cause on the front page of this Decision was amended, pursuant to section 64(3)(c) of the Act.

The hearing was conducted via teleconference and was attended by two agents for the Landlord (the Landlords) and the Tenant. Each person gave affirmed testimony. I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process; however, each declined and acknowledged that they understood how the conference would proceed.

The Landlords confirmed receipt of the application and notice of hearing documents. Each party affirmed they served the other with copies of the same documents and photographs that they had served the Residential Tenancy Branch (RTB). Each party acknowledged receipt of those submissions from each other and no issues regarding service or receipt were raised. As such, I accepted the submissions from both parties as evidence for these proceedings.

Both parties were provided with the opportunity to present relevant oral evidence, to ask questions, and to make relevant submissions.

Issue(s) to be Decided

Have the parties agreed to settle these matters?

Background and Evidence

The tenancy agreement commenced on July 1, 2004 and switched to a month to month tenancy after the first twelve months. Rent which is payable on the first of each month began at \$1,150.00 per month and was subsequently increased to the current rent which is \$1,485.00 per month. On or around July 1, 2004 the Tenant paid \$575.00 as the security deposit. The parties completed a condition inspection report form prior to move in, on June 26, 2004.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

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 and achieved a resolution of their dispute on the following terms:

- 1) The Tenant agreed to withdraw their application for Dispute Resolution;
- 2) The Landlords agreed to withdraw the 1 Month Notice issued December 8, 2016;
- 3) The parties mutually agreed to end the tenancy effective **February 28, 2017 at 1:00 p.m.**;
- 4) Each person acknowledged their understanding that this settled Decision resolved the matters contained in the Tenant's application and that no findings were made on the merits of the said application for dispute resolution; and
- 5) Each person agreed that the terms of this settlement agreement were reached by their own free will and without undue pressure or intimidation.

The parties agreed to settle these matters; therefore, I declined to award recovery of the filing fee.

In support of the settlement agreement the Landlords have been issued an Order of Possession effective **February 28, 2017 at 1:00 p.m., after service upon the Tenant**. In the event that the Tenant does not comply with this Order it may be filed with the Supreme Court and enforced as an Order of that Court.

Conclusion

The parties agreed to settle these matters, pursuant to section 63 of the *Act* and the Landlords were issued an Order of Possession.

This decision is final, legally binding, and 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 23, 2017

Residential Tenancy Branch