



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for landlord's use of property. Both parties attended the hearing and had opportunity to be heard.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began in 2010. The monthly rent is \$2,000.00.

On November 29, 2016, the landlord served the tenant with a notice to end tenancy for landlord's use of property with an effective date of January 31, 2017.

The reasons for the notice were discussed at length. During the hearing the parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Analysis

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties 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 this hearing, the parties reached an agreement to settle their dispute. Both parties agreed to the following terms:

1. The tenant agreed to move out by 1:00pm on July 31, 2017.
2. The landlord agreed to allow the tenancy to continue until 1:00pm on July 31, 2017. An order of possession effective this date will be granted to the landlord.
3. The tenant agreed to accept the rental unit in the current condition and state for the remainder of the tenancy. The tenant agreed ~~not to make~~ to waive his rights to make any future monetary claims against the landlord with regard to repairs or mould, ~~for the remainder of the tenancy~~.
4. Both parties stated that they understood and agreed that these particulars comprise the full and final settlement of all aspects of this dispute for both parties.
5. The parties agreed to exercise any additional goodwill and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.

Pursuant to the above agreement, I grant the landlord an order of possession effective by 1:00pm on July 31, 2017. Should the tenant fail 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.

Conclusion

Pursuant to the above agreement, the notice is upheld and the tenancy will end by 1:00pm on July 31, 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 18, 2017

DECISION AMENDED PURSUANT TO SECTIONS 78(1)(A) AND 78(1.1)(A)
OF THE RESIDENTIAL TENANCY ACT ON 30 JANUARY 2017
AT THE PLACES INDICATED.

Residential Tenancy Branch