



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR

Introduction

This hearing was held in response to the tenant's application for dispute resolution in which the tenant has applied to cancel a 10 day Notice to end tenancy for unpaid rent and utilities issued on January 16, 2017.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Preliminary Matters

The tenant served the landlord notice of this hearing via registered mail to the service address provided on the Notice ending tenancy. The tenant provided a Canada Post tracking number. The mail was processed on January 26, 2017 and by February 10, 2017 the mail had yet to be claimed by the landlord.

The landlord said that notice of registered mail has not been received. The landlord was at the Residential Tenancy Branch office the day prior to the hearing to apply via the Direct Request Proceeding process and was informed of the tenant's hearing today.

The landlord was offered the opportunity for adjournment, to allow evidence submission. The landlord declined adjournment and wished to proceed.

Mutually Settled Agreement

There was no agreement on the signing of a tenancy agreement, the sum of rent owed, the date rent is due or the names of the co-tenants. However, the tenant said he was willing to vacate the rental unit effective February 28, 2017.

The landlord mutually agreed to the end of the tenancy effective February 28, 2017.

The parties understood their mutual agreement would be supported by an order of possession for the landlord. It was explained that if the tenant failed to vacate by the agreed date and time the landlord could enforce the order of possession. The tenant acknowledged his agreement.

Section 63 of the Act provides:

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, based on the mutual agreement of the parties I find and order that this tenancy will end effective February 28, 2017 at 1:00 p.m.

The landlord has been granted an order of possession that is effective at **1:00 p.m. on February 28, 2017**. This order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The parties have mutually agreed the tenancy will end effective February 28, 2017 at 1:00 p.m. An order has been issued in support of the agreement.

This decision and mutually settled agreement is final and 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: February 16, 2017

Residential Tenancy Branch