



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPT CNC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

Tenant:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order of possession of the rental unit pursuant to section 54;

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement.

### Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The landlord agrees to withdraw the 1Month Notice to End Tenancy dated January 31, 2017 and the tenancy continues until it is ended in accordance with the Act.
2. As a result of the Landlord's service of the Notice to Terminate or Restrict a Service or Facility, effective March 1, 2017 the monthly rent will be reduced by \$100.00 and the new rent will be \$1075.00.

3. The landlord and tenant agree that the resident sub-tenant of the rental unit shall be permitted to continue to utilize a designated one quarter of the total square footage of the unfinished basement storage area for storage purposes only.
4. Access to the storage area will be provided by the landlord to only the resident sub-tenant upon 24 hours' notice.
5. The tenant agrees to remove his mobile storage unit from the residential property on or before 12:00 a.m. on Friday, February 24, 2017 and any other property belonging to the tenant and not the resident sub-tenant on or before 12:00 a.m. on Friday, March 3, 2017.

Each party confirmed that they understood the terms of the agreement. The parties agreed that these particulars comprise the full and final settlement of all aspects of this dispute.

**This Decision and Settlement Agreement is final and binding on both parties.**

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: February 21, 2017

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Residential Tenancy Branch