



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding North Island Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

CNC

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause. The Tenant stated that he personally delivered these documents to the building manager, although he cannot recall the date of service. The Agent for the Landlord acknowledged that these documents were received by the Landlord, although she understands they were placed under the building manager's door.

On January 13, 2017 the Tenant submitted 1 page of evidence to the Residential Tenancy Branch. The Tenant stated that this document was personally served to the building manager on January 13, 2017. The Agent for the Landlord stated that this document was not received by the Landlord. As this document is simply a declaration that the Application for Dispute Resolution has been served to the Landlord, which is not disputed, I find that it does not need to be considered as evidence for these proceedings.

On January 17, 2017 the Tenant submitted 4 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this document was personally served to the building manager, although he is uncertain of the date of service. The Agent for the Landlord acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

On January 25, 2017 the Tenant submitted 3 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this document was personally served to the building manager on January 25, 2017. The Agent for the Landlord acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

On January 27, 2017 the Landlord submitted 13 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this document was personally served to the Tenant on January 27, 2017. The Tenant acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

On February 02, 2017 the Tenant submitted 3 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this document was personally served to the building manager on February 02, 2017. The Agent for the Landlord acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause be set aside?

Background and Evidence

After considerable discussion the Agent for the Landlord and the Tenant mutually agreed to resolve this dispute under the following terms:

- this one year lease will end, by mutual agreement, on February 14, 2017; and
- neither party will seek compensation in regards to how this tenancy ended, such as a claim for unpaid rent/lost revenue or moving costs.

Analysis

This dispute has been settled in accordance with the aforementioned terms.

Conclusion

On the basis of the settlement agreement I grant the Landlord an Order of Possession that is effective at **1:00 p.m. on February 14, 2016**. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

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 07, 2017

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Residential Tenancy Branch