



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought an Order canceling a 1 Month Notice to End Tenancy for Cause issued on January 31, 2017 (the "Notice").

This matter was set for hearing by telephone conference call at 9:00 a.m. on this date. The Landlord called into the hearing, as did co-tenants, S.B. and D.S. S.B. stated that F.A. was not able to call into the hearing due to criminal charges arising from an alleged assault against the Landlord and a related prohibition from F.A. having any contact with the Landlord. S.B. and D.S. confirmed they spoke with F.A. the day before the hearing and he was aware that they would appear for him. I accept S.B.'s testimony that she was appearing as agent for F.A. and proceeded with the hearing in F.A.'s absence.

The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Introduced in evidence were copies of the 1 Month Notice(s) to end Tenancy for Cause issued to each of the six Tenants residing at the rental property, including one for S.B. and D.S.; each of these notices were issued on January 31, 2017 with an effective date of March 1, 2017. S.B. stated that it was her understanding F.A. had applied to dispute his notice and that in doing so he was acting on behalf of all Tenants.

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. The terms of their settlement follow.

Settlement and Conclusion

1. The tenancy shall end and the Tenants shall vacate the rental unit by no later than 1:00 p.m. on April 1, 2017.
2. The Landlord is granted an Order of Possession effective 1:00 p.m. on April 1, 2017. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.

The Tenants confirmed they were aware that while the Order of Possession only specifically named F.A., that the effect of the Order of Possession is that all occupants of the rental unit are required to vacate the rental unit by 1:00 p.m. on April 1, 2017.

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: March 08, 2017

Residential Tenancy Branch