



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

Both parties attended the hearing via conference call and provided affirmed testimony. The tenant stated that the landlord's agent was faxed the notice of hearing package at their request. The landlord's agent confirmed the fax request and that the landlord is in receipt of the package and is aware of the details of the tenant's application. As such, I find that both parties have been sufficiently served as per section 90 of the Act.

At the outset the landlord's agent (the landlord) stated that a mutual agreement was reached with the tenant in resolving this dispute and wished to have it recorded by the Residential Tenancy Branch as a settlement. The tenant confirmed that a settlement had been reached.

Section 63 of the Residential Tenancy Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the two parties during the hearing led to a resolution. Specifically, it was agreed as follows:

The tenant agreed to withdraw his application to cancel the 1 Month Notice dated February 24, 2017.

The landlord agreed to cancel the 1 Month Notice dated February 24, 2017.

Both parties agreed to mutually end the tenancy on May 31, 2017.

Both parties agreed that the above noted particulars comprised a full and final settlement of all aspects of the dispute arising from this application for dispute resolution.

In order to implement the above settlement reached between the parties, I issue an Order of Possession to be used by the landlord if the tenant fails to vacate the rental premises in accordance with their agreement by 1:00 pm on May 31, 2017. The landlord is provided with this order in the above terms and the tenant must be served with this Order in the event that the tenant does not vacate the premises by the time and date set out in their agreement. Should the tenant fail to comply with this Order, the Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: April 04, 2017

Residential Tenancy Branch