



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the two month Notice to End Tenancy dated April 10, 2017

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 2 month Notice to End Tenancy was personally served on the Tenant on April 11, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by registered mail. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided is whether the tenant is entitled to an order cancelling the two month Notice to End Tenancy dated April 10, 2017?

Background and Evidence

The tenancy began on July 1, 2005. The present rent is \$1000 per month payable in advance on the first day of each month. The tenant(s) did not pay a security deposit.

Analysis

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse

The Residential Tenancy Act further provides that if an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession.

Settlement:

At the hearing the parties reached a settlement where the landlord accepted the tenant's proposal as follows:

- a. The parties mutually agree to end the tenancy on August 31, 2017.
- b. The parties request the arbitrator issue an Order of Possession for August 31, 2017.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective August 31, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the 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: June 01, 2017

Residential Tenancy Branch