



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNR

### **Introduction**

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, to cancel a notice to end tenancy for non-payment of rent. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. Both parties gave affirmed testimony.

At the start of the hearing, the parties informed me that at a prior hearing, the landlord was granted an order of possession pursuant to a notice to end tenancy for landlord's use of the rental unit. The effective date of the order is September 01, 2017. The tenant agreed that she has already received compensation pursuant to a notice to end tenancy for landlord's use of property. The tenant wished to request the landlord to give her more time to move out.

### **Issues to be decided**

Will the landlord agree to extend the tenancy?

### **Background and Evidence**

The tenancy started on March 01, 2017. The circumstances surrounding the issuance of a notice to end tenancy for non-payment of rent were discussed. During the discussion, both parties engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

### **Analysis**

Pursuant to Section 63 of the *Residential Tenancy Act*, the Arbitrator may assist the parties 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.

During this hearing, the parties reached an agreement to settle their dispute under the following terms.

- The tenant agreed to pay the landlord \$1,800.00 on September 01, 2017. A monetary order in this amount will be provided to the landlord.
- The landlord agreed to extend the tenancy up to 1:00 pm on September 20, 2017. An order of possession will be issued in favour of the landlord.
- The landlord agreed that the order of possession effective September 01, 2017 will not be enforced if the tenant pays \$1,800.00 on September 01, 2017.
- The tenant agreed to allow the painting of the exterior to start at any time with at least 24 hours prior notice.
- The tenant agreed to allow access to the gas supply workers on September 13, 2017 between the hours of 12 noon to 4:00 pm.
- The tenant agreed to exercise any additional goodwill, good behaviour and spirit of cooperation necessary in regard to the above undertakings, which might be required to achieve a positive end to this landlord – tenant relationship.
- Both parties acknowledged that they understood and agreed with the above terms of their agreement.

The tenant and the landlord have reached a settled agreement, as recorded above. This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

As per the above agreement, I grant the tenant a monetary order under section 67 of the *Residential Tenancy Act*, for \$1,800.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Pursuant to the agreement, I grant the landlord an order of possession under section 55 of the *Residential Tenancy Act*, effective by 1:00pm on September 20, 2017. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**Conclusion**

I grant the landlord a monetary order in the amount of **\$1,800.00**

I grant the landlord and order of possession effective by **1:00pm on September 20, 2017.**

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: August 29, 2017

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Residential Tenancy Branch