



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated July 31, 2017.
- b. An order to recover the cost of the filing fee.

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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was personally served on the Tenant on July 31, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on August 11, 2017. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated July 31, 2017?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on December 1, 2017, end on November 30, 2017 and become month to month after that. The tenancy agreement provided that the tenant(s) would pay rent of \$700 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$350 on December 1, 2017.

Settlement:

At the hearing the parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on November 30, 2017.
- b. The parties request the arbitrator issue an Order of Possession for November 30, 2017.
- c. The landlord agrees that should the tenant find alternative accommodation that permits them to move into their new rental unit prior to November 30, 2017 the landlord waives his/her right to claim for loss or rent because the tenants have failed to provide the required notice provided the tenants pay the rent to the date they vacate. The landlords reserve the right to claim for loss of rent if the reason they are unable to rent the rental unit is because the tenants have damaged the rental unit.

Determination and Orders:

As a result of the settlement I granted an Order of Possession effective November 30, 2017. I dismissed the claim for the cost of the filing fee as that was not part of the settlement.

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: September 12, 2017

Residential Tenancy Branch