



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION AND RECORD OF SETTLEMENT

Dispute Codes

CNC RP FF

Introduction

This hearing was convened in response to an application by the tenant filed June 29, 2017 to cancel the landlord's Notice to End for Cause and if successful for repairs to the unit and recover their filing fee. Both parties attended the conference call hearing and acknowledged exchanging evidence.

Background and Evidence

The parties agreed the payable rent is \$1850.00 per month. Both parties agree that on June 28, 2017 the tenant received a 1 Month Notice to End Tenancy for Cause with an effective date of July 30, 2017.

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 parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agree that **the tenancy will end** and the tenant will vacate by no later than on **November 15, 2017** and the landlord will receive an **Order of Possession** effective and enforceable on the agreed date.
2. Both parties agree that the tenant is not responsible to satisfy the rent for November 2017.
3. Both parties agree that **the tenant is responsible to satisfy the rent** up to October 31, 2017.
4. Both parties agree that if the tenant determines to vacate before the agreed date of November 15, 2017 the landlord will pay the tenant the equivalent of one half month's rent, or \$925.00, on the day the tenant vacates.

The parties were apprised that the security deposit is held in trust and must be administered at the end of the tenancy in accordance with the Act, unless the parties mutually agree otherwise.

So as to perfect this agreement the landlord is given an **Order of Possession** to reflect condition #1 of this agreement. If necessary, this Order may be filed in the Supreme Court and enforced as an Order of that Court.

These particulars comprise the **full and final settlement** of all aspects of this dispute for both parties. Both parties testified at the hearing that they understood and agreed to the above terms. Both parties testified that they understood and agreed that the above terms settle all aspects of the dispute and are **final and binding on both parties** and that any Order is enforceable.

Conclusion

The parties settled all aspects of their dispute in the above terms, and the balance of the tenant's application was rendered moot.

This Decision and Settlement are final and binding on both 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