



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OLC

### Introduction

This hearing dealt with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and orders for the landlord to comply with the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

At the outset of the hearing, I confirmed service of hearing documents and evidence upon each other and the Residential Tenancy Branch. Both parties confirmed receipt of the other party's respective documents with the exception of a letter the landlord wrote on August 30, 2017. I admitted all of the documentary and photographic evidence except the August 30, 2017 letter and informed the parties that the landlord may describe that evidence orally during the hearing.

As the hearing progressed, the parties turned their minds to resolving the issues identified on the application by way of a mutual agreement. I have recorded the mutual agreement by way of this decision and the Order of Possession that accompanies it.

### Issue(s) to be Determined

1. What are the terms of the mutual agreement?

### Background and Evidence

The parties mutually agreed to the following terms in resolution of the matters raised in this Application:

1. The tenancy shall end and the tenant shall return vacant possession of the rental unit to the landlord by December 1, 2017.
2. The monthly rent remains at \$500.00 per month as the landlord improperly increased the rent to \$550.00 starting July 2016.
3. The tenant has overpaid rent in the sum of \$750.00 during the months of July 2016 through September 2017 and is authorized to deduct the overpayment from rent payable for October 2017 and November 2017. Accordingly, the tenant may withhold rent for October 2017 and pay only \$250.00 on November 1, 2017.

### Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the terms an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective at 1:00 p.m. on December 1, 2017 to serve and enforce upon the tenant.

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 21, 2017

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Residential Tenancy Branch