



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ASHURWIN HOLDINGS LTD./RPM INC.  
(tenant name suppressed to protect privacy)

## 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 26, 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. The parties reached a settlement at the hearing and they asked that I record the settlement.

I find that the one month Notice to End Tenancy was served on the Tenant by posting on July 26, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenant was personally served the landlord on August 1, 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 one month Notice to End Tenancy dated July 26, 2017?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

### Background and Evidence:

The tenancy began on December 1, 2014. The present rent is \$1120.43 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$525 prior to the start of the tenancy.

### Settlement:

The parties reached a settlement at the hearing and they asked that I record the settlement as follows:

- a. The parties mutually agree to end the tenancy on January 31, 2018.
- b. The parties request the arbitrator issue an Order of Possession for January 31, 2018.

Determination and Orders:

As a result of the settlement I issued an Order of Possession effective January 31, 2018. The application to recover the cost of the filing fee is dismissed as it 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: October 19, 2017

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Residential Tenancy Branch