



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes CNC, CNR

Introduction

This hearing dealt with the tenant's application for cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46 and cancellation of a One Month Notice to End Tenancy for Cause pursuant to section 47 of the *Residential Tenancy Act* (the "Act"):

The landlord and the tenant attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

Issue(s) to be Decided

Should the 10 Day Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Should the One Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Analysis

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to 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.

Both parties agreed to the following terms of a final and binding resolution of the tenant's application and the issues in dispute arising out of this tenancy at this time and that they did so of their own free volition and without any element of coercion:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on January 31, 2018, by which time the tenant agreed to have vacated the rental unit.

2. Both parties agreed that the tenant will not have to pay rent for their use of the rental unit for January 2018.
3. Both parties agreed that these particulars comprise the full settlement of all aspects of the tenant's current application arising out of the 10 Day Notice issued on October 21, 2017 and the One Month Notice issued on September 18, 2017.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant an Order of Possession to the landlord effective **on January 31, 2018, after service of this Order** on the tenant. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 20, 2017

Residential Tenancy Branch