



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OPC LRE FF

Introduction

This hearing dealt with applications from both the tenant and the landlord pursuant to the *Residential Tenancy Act* ("Act").

The tenant applied for:

- a cancellation of the landlord's Notice to End Tenancy for Cause, pursuant to section 47 of the *Act*; and
- an Order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70 of the *Act*.

The landlord applied for:

- an Order of Possession for Cause pursuant to section 47 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the

Both the landlord and the tenant appeared at the hearing. Both parties were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant confirmed receipt of the landlord's 1 Month Notice to End Tenancy, while both parties confirmed receipt of each other's applications for dispute and evidentiary packages.

Analysis

1. Both parties entered into a mutual agreement that this tenancy will end on June 30, 2018 at 1:00 P.M., by which date the tenant and any other occupants will have vacated the rental unit.
2. The landlord withdrew the 1 Month Notice dated February 21, 2018.

3. The parties agreed that this tenancy ends by way of their mutual agreement to end this tenancy and not on the basis of the landlord's 1 Month Notice, dated February 21, 2018.
4. Both parties agreed that this settlement agreement constituted a final and binding resolution of the parties' applications.

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, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed with them during the hearing, I issue an Order of Possession to the landlord, which is to take effect by 1:00 P.M. on June 30, 2018. The landlord is provided with this Order in the above terms and the tenant must be served with this Order in the event that the tenant does not abide by condition #1 of the above settlement. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The tenant's application for an Order setting or suspending the landlord's right to enter the rental unit is withdrawn.

The landlord's application for a return of the filing fee is dismissed as the parties reached a settlement agreement.

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: May 18, 2018

Residential Tenancy Branch