



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROTHERS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL

This hearing dealt with an application by the tenant under the Residential Tenancy Act (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) under section 47 of the *Act*.

Introduction

The tenant attended. KM appeared as agent for the landlord (“the landlord”). Both parties were given full opportunity to provide affirmed testimony, present evidence, cross examine the other party and make submissions.

The landlord acknowledged receipt of the Notice of Hearing and the tenant’s documents. The tenant acknowledged receipt of the landlord’s materials. No issues of service were raised.

Section 55 of the *Act* requires, when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end a tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy in compliance with the *Act*.

Issue(s) to be Decided

Is the tenant entitled to cancellation of the One Month Notice under section 47 of the *Act*?

Is the landlord entitled to an order of possession under section 55 of the *Act*?

Background and Evidence

The parties agreed on the following:

- The parties entered into an ongoing month-to-month tenancy agreement starting February 1, 2016;
- The monthly rent is \$1,209.00 payable on the first of the month;
- The tenant provided a security deposit in the amount of \$587.50 which is held by the landlord;
- The landlord sent the One Month Notice to the tenant by registered mail on June 19, 2018 and the tenant acknowledged receipt on June 24, 2018;
- The One Month Notice was submitted into evidence and states, "The tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord."

Pursuant to section 63 of the *Act*, the Arbitrator may assist the parties to settle their dispute and if the parties do so during the dispute resolution proceedings, the settlement may be recorded in the form of a Decision or an Order.

During the hearing, the parties discussed the issues between them, turned their minds to compromise, and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of all issues currently under dispute:

- The tenant withdraws her application to cancel the Two Month Notice;
- The tenant will vacate the rental unit on October 31, 2018;
- The landlord is granted an order of possession effective October 31, 2018 in the event the tenant does not vacate the unit;
- These terms comprise the full and final settlement of all aspects of this dispute for both parties.

Both parties testified they understood and agreed the above terms are final, binding, and enforceable and settle all aspects of this dispute.

Conclusion

Based on the above, I accept that all matters between these parties raised in this application are resolved.

An order of possession is granted to the landlord dated October 31, 2018.

Dated: August 17, 2018

Residential Tenancy Branch