



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Affordable Housing Advisory Association  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, CNQ, OPC, OPQ, FFL

### Introduction

This hearing was scheduled to deal with cross applications. The tenant applied to cancel *2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit*. The landlord applied for an Order of Possession based on the *2 Month Notice Because the Tenant Does Not Qualify for Subsidized Rental Unit* and a *1 Month Notice to End Tenancy for Cause*. Both parties appeared or were represented at the hearing and had the opportunity to be make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

At the outset of the hearing, the tenant's Advocate indicated the tenants were interested in resolving these disputes, and another Application set to hear the tenant's application to cancel the *1 Month Notice to End Tenancy for Cause* that was set for hearing on September 6, 2018, by way of a mutual agreement. The landlord was agreeable to exploring such a resolution and the parties were given the opportunity to explore a resolution by way of a mutual agreement. The parties reached an agreement that I have recorded by way of this decision and the Orders that accompany it.

With consent of both parties, I have joined the tenant's Application for Dispute Resolution where cancellation of a *1 Month Notice to end Tenancy for Cause* was requested to these applications and that hearing set for September 6, 2018 is cancelled.

### Issue(s) to be Decided

What are the terms of the mutual agreement?

### Background and Evidence

During the hearing, the parties mutually agreed upon the following terms and conditions in resolution of these three Applications for Dispute Resolution identified in this decision:

1. The *1 Month Notice to End Tenancy for Cause* and the *2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit* that were issued to the tenants by the landlord are withdrawn and the tenancy ends by mutual agreement in accordance with the terms that follow.
2. The tenancy shall end no later than 1:00 p.m. on September 15, 2018 in any circumstance and the landlord shall be provided an Order of Possession to reflect this date and time.
3. The tenants shall pay \$419.50 to the landlord on or before August 31, 2018 in satisfaction of rent payable for September 1 – 15, 2018. The landlord is provided a conditional Order of Possession effective August 31, 2018 that may be served and enforced only in the circumstance the tenants fail to pay \$419.50 by August 31, 2018.

### 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 term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with the following Orders of Possession:

1. an Order of Possession effective at 1:00 p.m. on September 15, 2018.
2. a condition Order of Possession effective at 1:00 p.m. on August 31, 2018 that may be served and enforced only in the event the tenants fail to pay the landlord \$419.50 by August 31, 2018.

Conclusion

These Applications for Dispute Resolution have been resolved by way of a mutual agreement to end tenancy that I have recorded in this decision. The landlord has been provided Orders of Possession that reflect the parties' 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: August 16, 2018

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Residential Tenancy Branch