



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FFT

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause and to recover the fee for filing this Application for Dispute Resolution.

The Tenant stated that the Application for Dispute Resolution and the Notice of Hearing were posted on the Agent for the Landlord's door, although she does not recall the date of service. The Agent for the Landlord stated that she located these documents on her door, although she does not recall the date of receipt.

On October 02, 2018 the Landlord submitted 12 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was served to the Tenant, via registered mail, on September 29, 2018. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On October 04, 2018 the Tenant submitted 4 pages of evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was not served to the Landlord and it was not, therefore, accepted as evidence for these proceedings.

Preliminary Matter

The Application for Dispute Resolution was amended, with the consent of both parties, to reflect the correct spelling of the Agent for the Landlord's name.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

Prior to discussing the merits of this Application for Dispute Resolution, the Agent for the Landlord and the Tenant mutually agreed to resolve all issues in dispute at these proceedings under the following terms:

- the tenancy will end, by mutual consent, on October 31, 2018; and
- the Landlord will be granted an Order of Possession which is effective October 31, 2018.

This agreement was summarized for the parties on at least two occasions and all parties in attendance at the hearing indicated that they agreed to resolve this dispute under these terms. The Agent for the Landlord and the Tenant both acknowledged that they understood they were not required to enter into this agreement and that they understood the agreement was final and binding.

Analysis

I find that all issues in dispute at these proceedings under the terms for the aforementioned settlement agreement.

Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on October 30, 2018. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

This settlement agreement is recorded 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, 2018

Residential Tenancy Branch