



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, OLC, FFT

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the one month Notice to End Tenancy dated August 31, 2018.
- b. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Rather than proceeding with litigation the parties negotiated and reached a voluntary settlement which is recorded below.

I find that the one month Notice to End Tenancy was personally served on the Tenants on August 31, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord sometime after September 9, 2018 as the landlord acknowledged service of the document. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the Notice to End Tenancy dated August 31, 2018?
- b. Whether the tenants are entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?
- c. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence:

The tenants moved into the rental property approximately 7 years ago. The parties acknowledged there is a written tenancy agreement dated October 1, 2017. The

present rent is \$800 per month payable in advance on the first day of each month. The tenants did not pay a security deposit.

Settlement::

The parties reached an settlement and they asked that I record the settlement pursuant to section 63(2) of the Residential Tenancy Act as follows:

- a. The parties mutually agree to end the tenancy on November 30, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for November 30, 2018.

Order for Possession:

As a result of the settlement I issued an Order of Possession effective November 30, 2018. All other claims are dismissed as it was not part of the settlement.

The tenants must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: October 25, 2018

Residential Tenancy Branch