



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- Cancellation of One Month Notice to End Tenancy for Cause ("One Month Notice") under Section 47 of the *Act*;
- An Order requiring the landlord to comply with the Act, Regulation and/or tenancy agreement pursuant to section 62; and
- Authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their affirmed testimony and to make submissions. Before the conclusion of this hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise, and achieved a resolution of their dispute.

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

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute.

The following records this settlement as a decision:

1. The parties agree that this tenancy will continue until October 31, 2018 at 1:00 P.M., by which time and date the tenant and any other occupants will have vacated the rental unit;
2. To give effect to the settlement reached between the parties, I issue to the landlord the attached order of possession effective 1:00 PM on October 31, 2018 which must be served upon the tenant;
3. Each party withdraws all other claims; and
4. The security deposit of \$850.00 held by the landlord will be dealt with according to the *Act* at the end of the tenancy.

The parties are still bound by all of the rights, responsibilities, terms and conditions of the tenancy agreement, the *Act*, and the associated regulations.

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

Conclusion

To give effect to the settlement reached between the parties, the landlord is granted an order of possession effective at 1:00 PM on October 31, 2018 to be served on the tenant **only** if the tenant fails to vacate as agreed. The order of possession must be served upon the tenant. If the tenant does not comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that court.

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: September 21, 2018

Residential Tenancy Branch