



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, FF

Introduction:

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

- a. An order to cancel the two month Notice to End Tenancy dated June 16, 2018
- b. 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 4 month Notice to End Tenancy was personally served on the Tenant on June 16m, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the landlord on July 18, 2018. 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 tenant is entitled to an order cancelling the two month Notice to End Tenancy dated?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on February 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$1100 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$550 at the start of the tenancy.

Grounds for Termination:

The Notice to End Tenancy relies on section 49 of the Residential Tenancy Act. That section provides as follows:

- The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant

The landlord seeks to renovate the rental unit after a leak from the upstairs bathroom flooded in the walls of the basement bathroom and kitchen. The tenant stated she has made sufficient repairs. She is prepared to vacate the rental unit but wished to remain until the end of June 2019 (at the end of the school year). The agent for the landlord asked to disconnect and talk to her father who is out of the country. When she returned she stated the landlord was agreeable to the Tenant's proposal.

Settlement::

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

- a. The landlord withdraws the 4 month Notice to End Tenancy dated June 16, 2018 with the consent of the Tenant.
- b. The parties mutually agree to end the tenancy on June 30, 2019.
- c. The parties request that the arbitrator issue an Order of Possession for 6:00 p.m. on June 30, 2019.

Order for Possession:

As a result of the settlement I issued an Order of Possession effective 6:00 p.m. on June 30, 2019. All other claims are dismissed.

The tenant 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: September 10, 2018

Residential Tenancy Branch