



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC, OLC

### **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 June 28, 2018 and setting the end of tenancy for July 31, 2018.
- b. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.

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. Rather than proceeding with litigation the parties entered into discussions and reached a settlement.

I find that the one month Notice to End Tenancy was personally served on the Tenant on June 29, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord as the landlord acknowledged service. 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 Notice to End Tenancy dated June 28, 2018?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?

### **Background and Evidence:**

The tenancy began in November 2016. The rent is subsidized and based on income. The present rent of \$320 per month payable in advance on the first day of each month. The tenant(s) was not required to pay a security deposit.

The rent for September 2018 has been paid and it was accepted by the landlord for "use and occupation only."

### **Analysis:**

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 parties mutually agree to end the tenancy on October 31, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for October 31, 2018.
- c. The parties shall use their best efforts to find alternative accommodation for the Tenant at a different location.
- d. The landlord agrees that if the Tenant finds alternative accommodation on or before the end of October the landlord waives its right to require that the Tenant give a clear month notice and agrees to reimburse to the Tenant the prorated amount of any rent paid for the period of time after the tenant has vacated the rental unit to the end of the month.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective October 31, 2018. All other claims in this application 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 04, 2018

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Residential Tenancy Branch