



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 July 5, 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.

Both parties were given a full opportunity to present evidence and make submissions. Rather than engaging in litigation the parties chose to negotiate and they reached a voluntary settlement.

I find that the one month Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the Tenant resides on July 9, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by mailing, by registered mail to where the landlord resides on July 19, 2018.

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated July 5, 2018?
- b. Whether the Tenant is entitled to an order that the landlord comply with the Act, Regulations and/or tenancy agreement?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on April 28, 2011. The present rent is \$884 per month payable in advance on the 5th day of each month. The tenant paid a security deposit of \$425 at the start of the tenancy.

The tenant continues to reside in the rental unit. She has provided the landlord with a rent cheque for September's rent but the landlord has not yet cashed it. As a result of the settlement

which is set out below the landlord intends to cash it “for use and occupation only” and does not intend to reinstate the tenancy.

The tenant stated she has found alternative accommodation that will become available in a few months and needs a period of time to move out.

Settlement::

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) of the 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 in the Application for Dispute Resolution 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 06, 2018

Residential Tenancy Branch