



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, PSF

Introduction:

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

- a. An order to cancel the 10 day Notice to End Tenancy dated October 3, 2018
- b. An order that the landlord provide services or facilities required by the tenancy agreement or law.

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 proceed with litigation the parties entered into a settlement discussion and a settlement was reached.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on October 3, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on landlord by mailing, by registered mail to where the landlord resides on October 5, 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 10 day Notice to End Tenancy dated October 3, 2018?
- b. Whether the tenant is entitled to an order that the landlord provide services or facilities required by the tenancy agreement or law?

Background and Evidence:

The tenant was allowed to move into the rental unit on August 24, 2018. However the tenancy began on September 1, 2018. The tenancy agreement provided that the tenant(s) would pay rent of \$1900 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$950 at the start of the tenancy.

The tenant paid rent of \$1900 and a security deposit of \$950 prior to the start of the tenancy.

The landlord testified the tenant has failed to pay the rent for October 2018 and November 2018. The tenant disputes this saying the rent was paid. However, the tenant stated that she wishes to move out of the rental unit and has found a new rental unit which she can take possession on December 1, 2018. The tenant has three children between the ages of 2 and 12.

Settlement:

Rather than proceeding with litigation 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 December 1, 2018.
- b. The parties request that the arbitrator issue an Order of Possession for December 1, 2018.

Determination and Orders:

As a result of the settlement I order that the tenancy shall end on December 1, 2018. All other claims are dismissed.

Order for Possession:

As a result I granted the landlord an Order for Possession effective 1:00 p.m. on December 1, 2018.

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: November 15, 2018

Residential Tenancy Branch