



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FT

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the "One Month Notice") dated January 28, 2019, pursuant to section 47;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72;

The tenant, the landlord's agent, and an assistant property manager for the landlord attended the hearing. During the hearing, the parties expressed an interest in, and were successful in, resolving this dispute by mutual agreement.

Settlement

Pursuant to section 63 of the Act, the Arbitrator may assist the parties to settle their dispute and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Given the agreement reached between the parties during the proceeding, I find that the parties have settled their dispute and the following records this settlement as a decision. Both parties mutually agreed to the following final and binding settlement terms of all issues currently under dispute at this time:

1. This tenancy will end at 1:00 p.m. on May 31, 2019, by which time the tenant and any other occupants will have vacated the rental unit.
2. The landlord agrees to cancel and set aside the One Month Notice dated January 28, 2019, rendering it of no force and effect. By doing so, the landlord acknowledges it will relinquish any ability to take any further action, based on the One Month Notice dated January 28, 2019.
3. Both parties agree that this tenancy ends by way of this agreement, and that pursuant to this agreement, the landlord will be issued an Order of Possession to take effect by 1:00 P.M. on May 31, 2019.
4. The rights and obligations of the parties under the Act continue until the tenancy ends in accordance with this agreement

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement.

The above particulars comprise the full and final settlement of all aspects of this dispute for both parties arising from the tenancy related to the rental unit identified on the first page of this decision. All parties gave verbal sworn affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

The landlord's One Month Notice dated January 28, 2019 is cancelled and set aside, rendering it of no force and effect.

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the landlord an Order of Possession. The parties agreed that the tenants are to vacate the rental unit by 1:00 P.M. on May 31, 2019.

Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: March 26, 2019

Residential Tenancy Branch