



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause dated February 5, 2019. Both parties appeared or were represented at the hearing and had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

After both parties had an opportunity to be heard I orally provided my preliminary findings to the parties. The parties turned their minds to resolving this dispute by way of a mutual agreement. The parties were able to reach a mutual agreement and I have recorded it by way of this decision and the Order that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

It was undisputed that since a fire occurred in the rental unit on December 22, 2018 the tenant has not been living in the rental unit but her personal possessions remain stored at the property. The tenant has not paid rent since December 2018. During the hearing the parties mutually agreed that:

1. The tenant shall have access to her personal possession and remove her personal possessions from the residential property no later than April 26, 2019.
2. The landlord shall be provided an Order of Possession with an effective date of April 26, 2019 to serve and enforce upon the tenant as necessary.

Both parties confirmed that the above described agreement was satisfactory to them and that recording this agreement in the decision satisfies their entitlement to receiving a decision under the Act.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective on April 26, 2019.

Conclusion

The parties reached a mutual agreement in resolution of this matter. I have recorded the mutual agreement in this decision and in recognition of the agreement I provide the landlord with an Order of Possession effective on April 26, 2019 to serve and enforce as necessary.

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 29, 2019

Residential Tenancy Branch