



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, 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 March 12, 2019 and setting the end of tenancy for April 30, 2019
- b. 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. Neither party requested an adjournment or a Summons to Testify. Rather than engaging in litigation the parties entered into negotiations and reached a settlement which is recorded below.

I find that the one month Notice to End Tenancy was served on the Tenants by posting on March 12, 2019. 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 carries on business on March 28, 2019. 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 tenants are entitled to an order cancelling the Notice to End Tenancy dated March 12, 2019?
- b. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement provided that the tenancy would start on August 1, 2018. The tenant along with other tenants lived in the rental unit prior to that date. The tenancy agreement provided that the tenants would pay rent of \$1500 per month payable in advance on the fifth day of each month. The parties later agreed the payment could be made on the 6th day of the month. The tenant(s) paid a security deposit of \$800 on October 1, 2016.

Grounds for Termination:

The Notice to End Tenancy identifies the following grounds:

- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord

Settlement:

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 June 30, 2019.
- b. The parties request that the arbitrator grant an Order of Possession for June 30, 2019.
- c. The tenants represent they will pay the rent in full when due and will repair damages done to the property prior to vacating.

The claim to recover the cost of the filing fee is dismissed as it was not part of the settlement.

Order for Possession:

As a result of the settlement I granted the landlord an Order for Possession effective 5:00 p.m. on June 30, 2019.

The tenant must be served with this Order as soon as possible. Should the tenants 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: May 02, 2019

Residential Tenancy Branch