



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice), pursuant to section 46 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The property owner was represented by agent J.M. of the property management firm named as the landlord on the tenancy agreement.

As both parties were present, service of documents was confirmed. The landlord confirmed receipt of the tenant's Notice of Dispute Resolution Proceeding package and evidence. Based on the undisputed testimonies of the parties, I find that the notice of this hearing and the tenant's evidence were served in accordance with the *Act*.

Agent J.M. confirmed that the landlord did not submit any evidence in this matter.

Preliminary Issue – Amendment to Tenant's Application for Dispute Resolution

At the outset of the hearing, pursuant to my authority under section 64(3)(c) of the *Act*, both parties agreed to amend the tenant's application for dispute resolution to correct the named respondent to reflect the corporate name of the property management company instead of the name of the agent.

Issue(s) to be Decided

Should the landlord's 10 Day Notice be cancelled? If not, is the landlord entitled to an Order of Possession on the basis of the notice?

Analysis

At the outset of the hearing, the tenant confirmed that she was vacating the rental unit within a week.

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, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of the issue currently under dispute at this time:

1. Both parties agreed that this tenancy will end at noon on September 2, 2019, by which time the tenant and any other occupants will return vacant possession of the rental unit to the landlord.
2. Both parties agreed to participate in a walk-through condition inspection of the rental unit at noon on September 2, 2019.
3. Both parties agreed that the terms of this settlement as outlined above constitute a final and binding resolution of the tenant's application for dispute resolution filed on July 8, 2019 and the landlord's 10 Day Notice dated July 2, 2019. As such, the tenant's application is dismissed in its entirety, and the landlord's notice to end tenancy is cancelled and of no force or effect.
4. The parties agreed to the terms of this settlement not under duress or coercion.

The parties are still bound by all of the rights, responsibilities, terms, conditions and any statutory compensation provisions of the tenancy agreement, the *Act*, and the associated regulations.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue to the landlord an Order of Possession dated September 2, 2019 to be served on the tenant ONLY if the tenant fails to abide by the terms set out in this settlement agreement.

Should the landlord be required to serve this Order on the tenant and should the tenant or anyone occupying the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The tenant's application for dispute resolution is dismissed in its entirety and the landlord's 10 Day Notice is cancelled and of no force or effect.

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: August 26, 2019

Residential Tenancy Branch