



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC LRE MT OLC PSF

Introduction

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

- An order to cancel a One Month Notice to End Tenancy for Cause ("Notice") pursuant to section 47;
- An order to suspend a landlord's right to enter the rental unit pursuant to section 70;
- A request for more time to cancel a Notice to End Tenancy pursuant to section 66;
- An order for the landlord to comply with the *Act*, Regulations and/or tenancy agreement pursuant to section 62 and
- An order to provide services or facilities required by a tenancy agreement or law pursuant to section 62.

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 landlord was represented by the property manager, ARN and property manager, JV; the tenant was assisted by an advocate, DD. The landlord acknowledged receipt of the tenant's Application for Dispute Resolution Proceedings Package and stated there were no concerns with timely service of documents.

The tenant acknowledged being served with the landlord's evidence with the exception of two photographs submitted as evidence by the landlord to the Residential Tenancy Branch on September 20th, six days before the hearing. The tenant acknowledges receiving the rest of the landlord's evidence.

As the landlord's evidence was not received by the Residential Tenancy Branch not less than seven days before the hearing, the two photographs were excluded as evidence in accordance with Rule 3.15 of the Residential Tenancy Branch Rules of Procedure.

Settlement Reached

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 all issues currently under dispute at this time:

1. This tenancy will end at 1:00 p.m. on September 30, 2019, by which time the tenants and any other occupant will have vacated the rental unit.
2. Both parties agree that this tenancy ends by way of this agreement and the Notice to End Tenancy is cancelled and of no further force or effect.
3. The rights and obligations of the parties under the *Act* continue until the tenancy ends in accordance with this agreement.

Both parties testified that they understood and agreed to the above terms, free of any duress or coercion. Both parties testified that they understood and agreed that the above terms are legal, final, binding and enforceable, which settle all aspects of this dispute.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue the attached Order of Possession. The parties agree that the tenant is to vacate the rental unit by 1:00 P.M. on September 30, 2019, and the landlord is to serve this Order of Possession immediately and enforce it as early as 1:01 PM on September 30, 2019, should the landlord choose to do so.

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: September 26, 2019