



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC

### **Introduction:**

The Application for Dispute Resolution filed by the Tenants seek an order to cancel the one month Notice to End Tenancy dated August 16, 2019

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. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was served on the Tenants by mailing, by registered mail to where the Tenants reside on August 17, 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 resides on September 9, 2019. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided:**

The issues to be decided is whether the tenants are entitled to an order cancelling the one month Notice to End Tenancy dated August 16, 2019?

### **Background and Evidence:**

The tenancy began on May 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$1040 per month payable in advance on the first day of each month. The present rent is \$1080 per month. The tenant(s) paid a security deposit of \$520 at the start of the tenancy.

### **Settlement:**

Rather than proceeding with the litigation of this matter 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 February 29, 2020 at 1:00 p.m.
- b. The parties request that the arbitrator issue an Order of Possession for February 29, 2020 at 1:00 p.m.
- c. The landlord shall provide the Tenants with a letter of reference within 7 days stating that the tenancy began on May 1, 2013 and that the Tenants have paid the monthly rent on time from the start of the tenancy to the date of the letter.
- d. The parties shall sign a release of all further claims at the end of the tenancy provided there are no further disputes between the parties.

Order for Possession:

As a result of the settlement I granted an Order of Possession effective February 29, 2020.

The tenant must be served with this Order as soon as possible. Should the tenant 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: October 31, 2019

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Residential Tenancy Branch