



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H.E. ROOMS and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes CNC MT

Introduction

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

- cancellation of the landlords' One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*; and
- more time to apply to cancel a notice pursuant to section 66 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.

Landlord's agent C.A. attended on behalf of the corporate landlord. The tenant attended with an advocate.

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. The tenant confirmed receipt of the landlord's evidence.

Based on the undisputed testimonies of the parties, I find that the landlord was served with the notice of this hearing, and that the evidence of both parties was served in accordance with the *Act*.

Analysis

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 voluntarily agreed to the following final and binding settlement of the issues currently under dispute at this time:

1. This tenancy will end at 1:00 p.m. on January 31, 2020, by which time the tenant and any other occupants will return possession of the rental unit to the landlord.

The terms of this settlement as outlined above constitute a final and binding resolution of the tenant's Application for Dispute Resolution dated September 25, 2019 and the landlord's One Month Notice dated August 31, 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.

Both parties are still bound by all of the rights, responsibilities, terms, and conditions of the tenancy agreement, the *Act*, and the associated regulations until the end of the tenancy.

Conclusion

To give effect to the settlement reached between the parties and as advised to both parties during the hearing, I issue an Order of Possession for the landlord effective January 31, 2020 to be served on the tenant 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 notice to end tenancy 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: December 03, 2019

Residential Tenancy Branch