



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47.

All named parties attended the hearing. During the hearing, the parties expressed an interest and were successful in resolving this dispute by mutual agreement. The tenant's application has been amended to reflect the correct spelling of the landlord's name and by adding the company name.

Terms of Settlement

Pursuant to section 63 of the Act, an 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.

The parties reached an agreement to settle their dispute under the following final and binding terms:

1. The tenant and landlord reached a mutual agreement to **end this tenancy no later than 1:00 p.m. on January 31, 2020**, and, the landlord will be granted an **Order of Possession** effective this date.
2. In exchange for the tenant voluntarily vacating and to assist with moving costs, the landlord agrees to pay to the tenant **\$4000.00** on condition that the tenant provides vacant possession to the landlord on or before **1:00 p.m. on January 31, 2020**. This payment is to be made to the tenant in full by cheque immediately

upon the tenant providing vacant possession. The tenant is granted a Monetary Order for this amount and the enforceable portion of this order will be reduced in accordance with any payments made to the tenant.

3. The parties further agreed the landlord will return the tenant's full security and pet deposit on move-out date provided the tenant leaves the rental unit reasonably clean.

Each party confirmed that this agreement was reached voluntarily and that they understood the terms of the agreement. The parties agreed that the above terms comprise the full and final settlement of all aspects of this dispute.

This Decision and Settlement Agreement is final and binding on both parties.

Conclusion

I grant an Order of Possession to the landlord effective **1:00 p.m. on January 31, 2020**. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

Subject to the condition described in item #2 above and pursuant to section 67 of the *Act*, I grant the tenant a Monetary Order in the amount of **\$4000.00**. Should the landlord fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 30, 2019

Residential Tenancy Branch