



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, FFT

### Introduction

This hearing convened as a result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice); and
- recovery of the filing fee.

The tenant, the landlord, his spouse, and the landlord's son/translator attended the hearing. The landlord did speak in a limited fashion, but I note that his son mostly provided the landlord's testimony, after speaking to the landlord in his native language.

When discussing preliminary matters and instructions for the hearing, a mediated discussion ensued, and the parties agreed to settle the matters in the tenant's application.

### Settlement and Conclusion

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on April 30, 2020;
2. The tenant understands the landlord will be issued an order of possession for the rental unit, based upon the settled agreement, and that if the tenant fails to vacate the rental unit by 1:00 p.m., April 30, 2020, the landlord may serve the order of possession on the tenant with the understanding that costs of such enforcement are subject to recovery against the tenant;
3. The tenant may vacate the rental unit earlier than April 30, 2020, upon proper, written notice to the landlord, in the event he secures alternate living accommodation before that time; and

4. The parties acknowledge their understanding that this settled Decision resolves the matters contained in the tenant's application and that no finding is made on the merits of the application for dispute resolution or the landlord's Notice.

### Conclusion

The tenant and the landlord have reached a settled agreement as outlined above.

As this application for dispute resolution was resolved by mutual agreement, I do not grant the tenant recovery of his filing fee.

The tenant was reminded that monthly rent for April 2020 will be due and owing on the date listed in the tenancy agreement and if not paid, the landlord is at liberty to serve another 10 Day Notice.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement of the parties 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: March 20, 2020

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Residential Tenancy Branch