



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling a One Month Notice to End Tenancy for Cause (Notice) issued by the landlord to the tenant, and
- to recover the cost of the filing fee.

The tenant, his daughter/assistant, the listed landlord, and her spouse, who shares the residential property attended, the hearing process was explained, and they were given an opportunity to ask questions about the hearing process.

At the beginning of the hearing, I inquired of the tenant whether he had any plans to vacate the rental unit. The tenant confirmed that he intended on vacating the rental unit between January 15 and January 31, 2021.

The parties confirmed their willingness to settle this matter and a mediated discussion occurred. The parties agreed to resolve the issues of the tenant's application and that I would record their settlement.

Settlement and Conclusion

The tenant and the landlord agreed to a mutual settlement under the following terms and conditions:

1. The tenant agrees to vacate the rental unit by 1:00 p.m. on or before January 31, 2021;

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., January 31, 2021, the landlord may serve the order of possession on the tenant for enforcement purposes; and
3. 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 said application for dispute resolution or the landlord's Notice.

The parties confirmed that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

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 parties settled agreement 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: January 5, 2021

Residential Tenancy Branch