



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing was scheduled to deal with a tenant's application to cancel a One Month Notice to End Tenancy for Cause ("1 Month Notice") dated February 25, 2021.

Both the landlord and the tenant appeared for the hearing. The parties were affirmed and the parties were ordered to not record the proceeding.

I confirmed the tenant had served the landlord with his proceeding documents. No documentary evidence, other than the 1 Month Notice and registered mail receipt, was submitted by either party and the parties confirmed it was their intention to provide their positions and evidence orally during the hearing.

The hearing process was explained to the parties and the parties were given the opportunity to ask questions about the process.

After both parties had an opportunity to be heard, I was able to facilitate a mutual agreement with the parties that I have recorded by way of this decision and the Order of Possession that accompanies it.

Issue(s) to be Decided

What are the terms of the mutual agreement?

Background and Evidence

During the hearing, the parties mutually agreed upon the following terms and conditions in resolution of this matter:

1. The tenancy shall end no later than December 31, 2021 and the landlord shall be provided an Order of Possession effective for that date.
2. The tenant may end the tenancy earlier than December 31, 2021 by giving the tenant a notice to end tenancy one month in advance as permitted under section 45 of the Act.
3. The tenant remains obligated to pay his rent, in full and on time, for the duration of the tenancy.
4. Should the tenant fail to pay rent or give the landlord subsequent cause to end the tenancy the landlord retains the right to serve the tenant with the appropriate Notice to End Tenancy and pursue further remedy.

Analysis

Pursuant to section 63 of the Act, I have the authority to assist parties in reaching a settlement agreement during the hearing and to record the agreement in the form of a decision or order.

I have accepted and recorded the mutual agreement reached by the parties during this hearing and I make the term(s) an Order to be binding upon both parties.

In recognition of the mutual agreement, I provide the landlord with an Order of Possession effective at 1:00 p.m. on December 31, 2021.

Conclusion

The parties reached a mutual agreement in resolution of this dispute that I have recorded by way of this decision. In recognition of the mutual agreement, the landlord is provided an Order of Possession effective at 1:00 p.m. on December 31, 2021.

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: June 04, 2021

Residential Tenancy Branch