



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPITAL REGION HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNC

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

The Tenant stated that on October 21, 2021 the Dispute Resolution Package was sent to the Landlord, via registered mail. The Senior Property Manager acknowledged service of these documents.

On October 29, 2021 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was served to the Tenant, via registered mail, on November 01, 2021. The Tenant acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

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On November 17, 2021 the Tenant submitted evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was served to the Landlord, via email, on November 17, 2021. The Agent for the Landlord stated that this evidence was received by the Landlord and that the Landlord was willing to have it accepted as evidence for these proceedings even though it was not served in accordance with the timelines established by the Residential Tenancy Branch Rules of Procedure. As the Landlord

was willing to have this evidence accepted, it was accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

Prior to discussing any of the merits of the Application for Dispute Resolution, the parties mutually agreed to settle all issues in dispute at these proceedings by mutually agreeing that the tenancy would end on January 31, 2022.

The aforementioned settlement agreement was summarized for the parties on at least two occasions. The Agent for the Landlord, the Senior Property Manager, and the Tenant clearly indicated their intent to resolve this dispute under these terms.

Each participant acknowledged that they understand they were not required to enter into this agreement and that they were doing so voluntarily.

Each participant acknowledged that they understood the agreement was final and binding.

Analysis

All issues in dispute have been settled in accordance with the aforementioned settlement agreement.

Conclusion

On the basis of the settlement agreement, I grant the Landlord an Order of Possession that is effective on January 31, 2022. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, 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: November 18, 2021

Residential Tenancy Branch