



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 cancel a One Month Notice to End Tenancy for Cause.

The female Tenant stated that on February 17, 2022 the Dispute Resolution Package was sent to the Landlord, via registered mail. The Agent for the Landlord acknowledged receipt of these documents.

On January 25, 2022 the Tenant submitted one page of evidence to the Residential Tenancy Branch. The female Tenant stated that this evidence was not served to the Landlord as evidence for these proceedings. As this evidence was not served to the Landlord, it was not accepted as evidence for these proceedings. I note, however, that this document was accepted as evidence in the Landlord's evidence package.

On March 17, 2022 the Tenant submitted additional evidence to the Residential Tenancy Branch. The female Tenant stated that this evidence was served to the Landlord, via registered mail, on March 17, 2022. The Agent for the Landlord acknowledged receiving this evidence and it was accepted as evidence for these proceedings.

On April 07, 2022 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was personally served to the male Tenant on April 07, 2022. The male Tenant stated that this evidence was served to him on April 19, 2022. The female Tenant stated that she has had sufficient time to

consider that evidence. As the female Tenant acknowledged that she has had sufficient time to consider this evidence, 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, with the exception of the caretaker, 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, with the exception of the caretaker, affirmed they would not record any portion of these proceedings.

The caretaker did not give affirmed evidence as he joined the teleconference late and I neglected to affirm him. This does not, in my view, have any significant impact on his testimony.

Issue(s) to be Decided

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

Background and Evidence

After significant discussion about the terms of the tenancy and issues leading up to service of a One Month Notice to End Tenancy for Cause, the parties mutually agreed to resolve all issues in dispute at these proceedings under the following terms:

- The tenancy will continue;
- The Tenants agree they have disturbed others in the past and they understand a One Month Notice to End Tenancy for Cause may be served to them if the Landlord receives another complaint about a disturbance in the future; and
- The Tenants agree to make every effort not to disturb others, including having friends yell up to them from the ground level.

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

The Agent for the Landlord and both Tenants acknowledged that they understand they

were not required to enter into this agreement and that they were doing so voluntarily.

The Agent for the Landlord and both Tenants acknowledged that they understood the agreement was final and binding.

Conclusion

All issues in dispute at these proceedings have been settled in accordance with the aforementioned terms.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: April 26, 2022

Residential Tenancy Branch