



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Pacifica Housing Advisory Association  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with the Tenant's application under the *Residential Tenancy Act* (the "Act") to cancel a One Month Notice to End Tenancy for Cause dated February 18, 2022 pursuant to section 47.

The Tenant, the Tenant's advocate AM, and the Landlord's agents SB and LH attended the hearing. They were each given an opportunity to be heard, to present affirmed testimony, and to make submissions. In addition, the Landlord had two witnesses, AI and KB. The Tenant had one witness, JH.

### Settlement

Pursuant to section 63 of the Act, an arbitrator may assist the parties to settle their dispute, and if the parties settle their dispute during the dispute resolution proceedings, the settlement may be recorded in the form of a decision or an order. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute.

Both parties agreed to the following final and binding settlement of the issue under dispute in this application:

1. The Tenant will vacate the rental unit by 1:00 pm on July 31, 2022.
2. The Tenant will not smoke in the rental unit for the duration of the tenancy.

The parties gave verbal affirmation at the hearing that they understood and agreed to the above terms as legal, final and binding, which settle the issue raised on this application only.

I take this opportunity to remind the parties that their rights and responsibilities under the Act, the regulations, and the tenancy agreement shall continue for the duration of the tenancy. Either party is at liberty to make other applications in respect of this tenancy. Pursuant to section 60(1) of the Act, an application for dispute resolution must be made within 2 years of the date that the tenancy ends.

### Conclusion

As the parties have reached a settlement, I make no factual findings about the merits of this application.

To give effect to the settlement reached between the parties and as discussed at the hearing, I grant the Landlord an Order of Possession which orders that the Tenant provide vacant possession of the rental unit to the Landlord by 1:00 pm on July 31, 2022. This Order may be served upon 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: June 15, 2022

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Residential Tenancy Branch