



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing, via teleconference, was held on October 17, 2022. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the Notice)

Both sides were present at the hearing. All parties provided affirmed testimony and were given a full opportunity to be heard, to present evidence and to make submissions.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Settlement Agreement

Pursuant to section 63 of the *Act*, the 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.

Given the agreement reached between the parties during the proceedings, I find that the parties have settled their dispute and the following records this settlement as a decision and an Order:

Both parties agree that:

- The Tenant will move out of the rental unit by **January 31, 2023, at 1pm.**
- The 10 Day Notice, issued due to unpaid utility amounts on August 22, 2022, is cancelled by mutual consent, and the parties agree to end the tenancy by way of this settlement agreement.
- In exchange for the Tenant agreeing to move out, the Landlord agrees that the Tenant is not responsible for amounts noted (past or future amounts) on the City of Richmond utility bill, up until the above noted end of tenancy.
- All other terms of the tenancy agreement remain unchanged, and both parties are still expected to comply with the Act and the remaining terms of the tenancy agreement, until the tenancy ends.

The parties confirmed at the end of the hearing 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.

Conclusion

In support of the agreement described above, the landlord is granted an order of possession effective January 31, 2023, at 1pm and after service on the tenant. The Landlord may serve and enforce this Order if the Tenant fails to move out as specified above.

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: October 19, 2022

Residential Tenancy Branch