



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 26, 2022, wherein the Tenant sought to cancel a 1 Month Notice to End Tenancy for Cause issued on September 17, 2022 (the "Notice").

The hearing of the Tenant's Application was scheduled for teleconference at 9:30 a.m. on December 6, 2022. Both parties called into the hearing; the Tenant called in on her own behalf; and the Landlord called in as did two witnesses for the Landlord, L.L. the Property Manager and J.A. The hearing process was explained and the participants were asked if they had any questions. Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

Settlement and Conclusion

During the hearing the parties resolved matters by mutual agreement. The terms of their agreement is recorded in this my Decision and Order pursuant to section 63 of the *Residential Tenancy Act* and Rule 8.4 of the *Residential Tenancy Branch Rules of Procedure*. As the parties resolved matters by agreement I make no findings of fact or law with respect to their relative claims. 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. The terms of their settlement follow.

1. The Tenant shall ensure there are no dogs in the rental unit as of December 13, 2022.

2. In the event the Tenant complies with paragraph 1 above, the tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on January 31, 2023**. In furtherance of this the Landlord is granted an Order of Possession effective **1:00 p.m. on January 31, 2023**. The Landlord must serve the Order on the Tenant as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme Court.
3. Should the Tenant be able to move from the rental unit by December 31, 2022, she shall not be responsible for paying rent for January 2023 irrespective of the date she gives notice to the Landlord of her ability to vacate the unit.
4. In the event the Tenant fails to comply with paragraph 1 above, the tenancy shall end and the Tenant shall vacate the rental unit by no later than **2 days after service of the Order of Possession**. In furtherance of this the Landlord is granted an Order of Possession effective **2 days after service of the Order of Possession**. The Landlord must serve the Order on the Tenants as soon as possible and may if necessary, file and enforce the Order in the B.C. Supreme 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: December 07, 2022

Residential Tenancy Branch