



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, OLC

Introduction

This hearing convened as a result of the Tenant's Application for Dispute Resolution, filed on May 2, 2023, wherein the Tenant requested an Order cancelling a Notice to End Tenancy for Cause issued on April 20, 2023 (the "Notice") as well as an Order that the Landlord comply with the *Residential Tenancy Act*, (the "Act"), the *Residential Tenancy Regulation*, and/or the residential tenancy agreement.

The hearing of the Tenant's Application was scheduled for teleconference at 11:00 a.m. on August 24, 2023. Both parties called into the hearing. 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.

Preliminary Matter—Landlord's Name

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rule 4.2 of the *Rules* allows me to amend an Application for Dispute Resolution in circumstances where the amendment might reasonably have been anticipated. The authority to amend is also provided for in section 64(3)(c) of the *Act* which allows an Arbitrator to amend an Application for Dispute Resolution.

On the Application the Tenant named the property manager, S.T., as Landlord. A review of the tenancy agreement confirms the Landlord is a charitable association. I therefore Amend the Tenant's Application to correctly name the Landlord.

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 tenancy shall end and the Tenant shall vacate the rental unit by no later than **1:00 p.m. on October 31, 2023**.
2. The Landlord is granted an Order of Possession effective **1:00 p.m. on October 31, 2023**. 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.
3. The parties agree that the hearing scheduled for 11:00 a.m. on October 23, 2023 shall be cancelled. The file number for that matter is included on the unpublished cover page of this my Decision.

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: August 24, 2023

Residential Tenancy Branch