



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding Proline Investments Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

Tenant: **CNC**

Landlord: **OPM, FFL**

Introduction

This hearing dealt with applications filed by both the landlord and the tenant pursuant to the Residential Tenancy Act.

The tenant applied for:

- An order to cancel a 1 Month Notice to End Tenancy for Cause, pursuant to sections 47.

The landlord applied for:

- An order of possession based on a mutual agreement to end tenancy pursuant to section 55; and
- Authorization to recover the filing fee from the other party pursuant to section 72.

The tenant attended the hearing accompanied by an advocate, S.H. The landlord was represented at the hearing by senior property manager, L.B.

Settlement Reached

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. At the outset of the hearing the parties indicated their intention to settle their dispute. The parties achieved the following resolution of their dispute with the following terms:

1. The tenant acknowledges that the landlord was justified to issue the One Month Notice to End Residential Tenancy.

2. The tenant will commit to abiding by the rules of his tenancy agreement, and not threaten or disturb the other residents of the building, its neighbouring buildings, or the landlord and their agents.
3. The tenant will receive an extension to the Mutual Agreement to End Residential Tenancy.
4. The new effective date of the Mutual Agreement to End Residential Tenancy will be March 31, 2024.

Both parties testified that this agreement was made of their own free will, without any coercion and that they understood and agreed that the terms are legal, final, binding and enforceable, which settle all aspects of these disputes. As the parties resolved matters by agreement, I make no findings of fact or law with respect to the applications before me and I make no determinations on whether the notice to end tenancy was valid.

The decision to order payment of the filing fee is discretionary upon the arbitrator and since this matter was settled by agreement, I decline to order that the filing fee be recovered.

Conclusion

To give effect to the settlement reached between the parties and as discussed at the hearing, I issue an Order of Possession to the landlord. The landlord is required to serve this Order of Possession upon the tenant and may enforce it as early as 1:00 p.m. on March 31, 2024 should the landlord be required to do so.

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: January 23, 2024

Residential Tenancy Branch