



Dispute Resolution Services

Residential Tenancy Branch

Dispute Codes:

CNC and FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present relevant oral evidence, to ask relevant questions and to make submissions to me.

Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, should be set aside, and whether the Tenant is entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Background and Evidence

At the outset of the hearing the Agent for the Landlord stated that he believed the parties had mutually agreed to end the tenancy on March 31, 2009, providing the Tenant paid the rent that was due for March of 2009.

The Advocate for the Tenant contacted the Tenant, who was not in attendance at the hearing, and confirmed that she would agree to mutually end the tenancy on March 31, 2009, that she is willing to pay rent for the month of March; and that she will withdraw her application to set aside the Notice to End Tenancy.

Conclusion

Based on the settlement agreement reached at this hearing, I will grant the Landlord two Orders of Possession.

I will grant the Landlord an Order of Possession that is effective at 1:00 p.m. on March 02, 2009. **This Order is of no force and effect if the Tenant pays all of the rent that is due on March 01, 2009, by March 01, 2009.** This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court, only if the rent that is due on March 01, 2009 is not paid by March 01, 2009.

I will also grant the Landlord an Order of Possession that is effective at 1:00 p.m. on March 31, 2009. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Date of Decision: February 26, 2009.
