



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNC

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

Both parties were represented at the hearing.

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.

Background and Evidence

The Agent for the Landlord and the Tenant agree that this tenancy began on May 01, 2008 and that a One Month Notice to End Tenancy for Cause was posted on the Tenant's door on, or about November 16, 2010.

The Tenant acknowledged that she has disturbed the Tenant living above her during this tenancy; that she has recently been diagnosed with a mental disorder; that she believes she was hearing voices in her head that she had erroneously attributed to the Tenant living above her; and that she is currently taking medication that she hopes will control those auditory illusions.

The Agent for the Landlord and the Tenant agreed to resolve this dispute under the following terms:

- The Tenant will withdraw her Application for Dispute Resolution
- The Landlord will withdraw the One Month Notice to End Tenancy that was posted on November 16, 2010
- The Tenant agrees that if she unreasonably disturbs an occupant of the residential complex on one more occasion the Landlord will have grounds to end this tenancy.

Conclusion

As this Application for Dispute Resolution has been withdrawn by the Tenant, there is no need for me to make a determination in this matter.

This mutual agreement is recorded pursuant to section 63(2) of the *Residential Tenancy Act*.

Dated: December 15, 2010.

Dispute Resolution Officer