



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLLIERS MACAULAY NICOLLS INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 26, 2013, by the Tenant to cancel a Notice to end tenancy issued for cause.

The parties appeared at the teleconference hearing, acknowledged receipt of evidence submitted by the other and gave affirmed testimony. At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

During the hearing each party was given the opportunity to provide their evidence orally, respond to each other's testimony, and to provide closing remarks. A summary of the testimony is provided below and includes only that which is relevant to the matters before me.

Issue(s) to be Decided

Have the parties agreed to settle this matter?

Background and Evidence

The parties entered into a fixed term tenancy agreement that began on November 1, 2010 and switched to a month to month tenancy after October 31, 2011. Rent began at \$995.00 per month and has since been increased to \$1,037.00. Rent is payable on or before the first of each month and on October 16, 2010 the Tenant paid \$497.50 as the security deposit.

During the course of this proceeding the parties agreed to settle these matters.

Analysis

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. During the hearing, the parties discussed the issues between them, engaged in a conversation, turned their minds to compromise and achieved a resolution of their dispute on the following terms:

- 1) The Tenant withdraws her application;
- 2) The parties mutually agreed to end this tenancy effective October 31, 2013, at 1:00 p.m.; and
- 3) The Tenant agreed that she will not allow excessive noise in her unit or on her balcony; will not slam doors; and will not violate the noise by-laws or her tenancy agreement for the duration of her tenancy.

In support of the settlement agreement the Landlord will be granted an Order of Possession.

Conclusion

The Landlord has been granted an Order of Possession effective **October 31, 2013 at 1:00 p.m.** This Order is legally binding and must be served upon the Tenant.

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: October 07, 2013

Residential Tenancy Branch

